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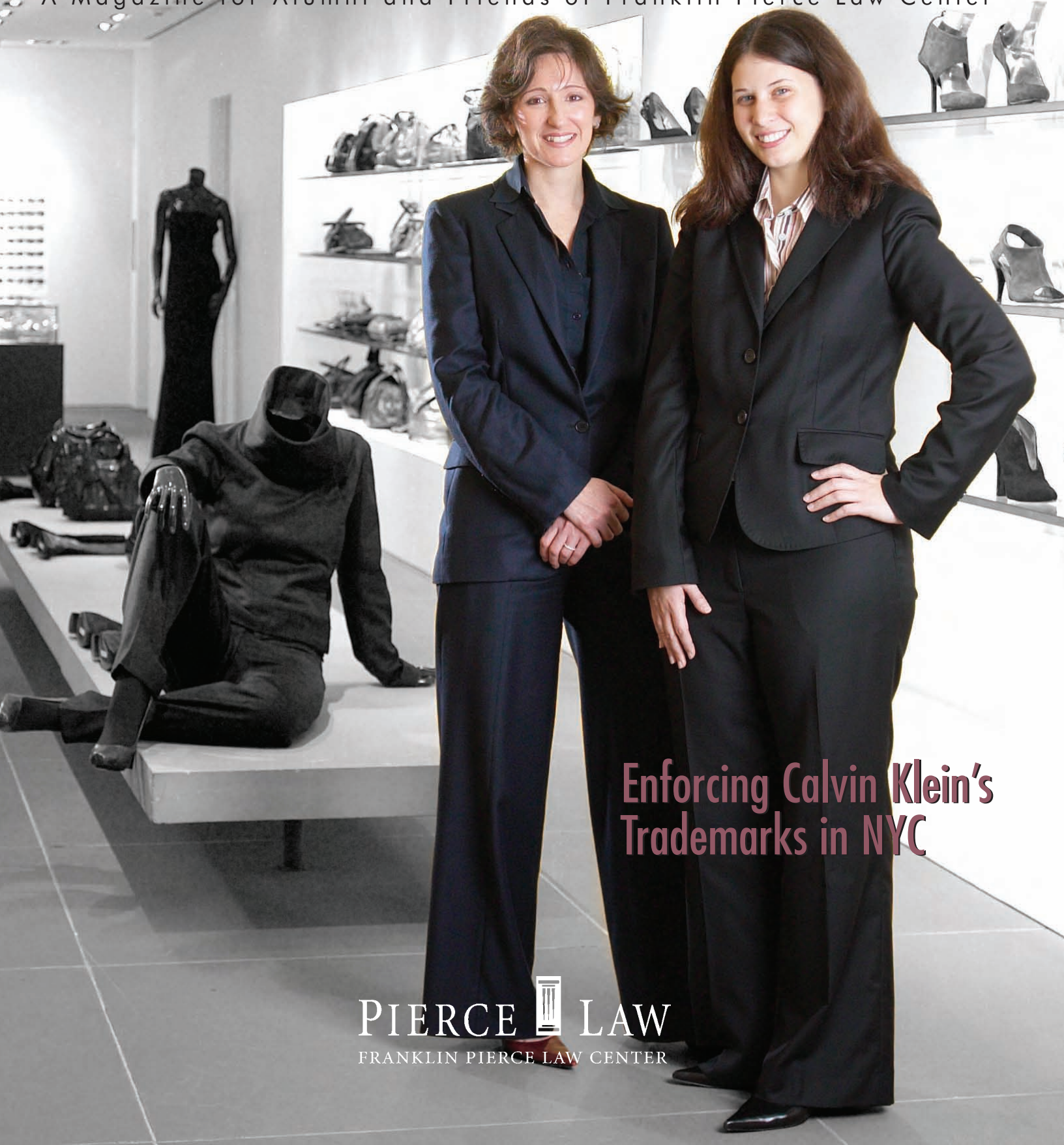
Recommended Citation

University of New Hampshire School of Law, "UNH Law Alumni Magazine, Winter 2008" (2008). *UNH Law Alumni Magazine*. 12.
https://scholars.unh.edu/alumni_mag/12

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PIERCE LAW

A Magazine for Alumni and Friends of Franklin Pierce Law Center



Enforcing Calvin Klein's
Trademarks in NYC

PIERCE  LAW
FRANKLIN PIERCE LAW CENTER

DEAN'S MESSAGE



Dear Alumni and Friends,

This year, we celebrate Franklin Pierce Law Center's 35th anniversary. During this time, Pierce Law's community has been enriched by students, alumni and scholars from around the world. More than 4,800 graduates from throughout the United States and 79 countries call Pierce Law their alma mater.

Today, we interact daily with the members of our global community. Our faculty travels extensively, bringing their expertise to other nations, while international legal, corporate and government professionals from across the globe come to Pierce Law to learn about intellectual property law. What was once a small New Hampshire law school is now a major player in the world's legal landscape.

Pierce Law's accomplishments and successes were many in 2007. We received ABA approval for several new degree programs in intellectual property and international criminal law and justice. Faculty and students excelled: Professor Karl F. Jorda was inducted into the Intellectual Property Hall of Fame; Professor John B. Garvey, director of the Daniel Webster Scholar Honors Program, was invited to join a new legal education initiative on the future of law school curricula organized by the Carnegie Foundation for the Advancement of Teaching and Stanford Law School; student Krum Chuchev '09 won first place in the law practice category of The Adam A. Milani Disability Law Writing Competition; and Pierce Law's moot court team of Adam Muller '08 and Dan Dargon '08 advanced to the quarterfinals at the National Criminal Procedure Moot Court Competition, with Muller winning "Best Individual Oralist" among a field of 84 competitors.

Under the supervision of Professor Jon Cavicchi JD '84/LLM '99 and Visiting Scholar Stanley Kowalski JD '05, Pierce Law students Jaya Murthy Josyula MIP '07 and Rahul R. Vartak '08 assisted the Public Intellectual Property Resource for Agriculture (PIPRA) with an intellectual property audit, supporting a grant proposal for a humanitarian project in Africa. Pierce Law's faculty and students have extensive expertise in navigating the patent landscapes of biotechnologies and methodologies and will continue to use their knowledge to make a difference around the globe. A letter from Alan Bennett, PIPRA's executive director, reprinted on page 48, exemplifies the extent of Pierce Law's public outreach in intellectual property across the globe.

As we move into the New Year, we will finalize a strategic plan to bring us into the next decade, and I welcome your thoughts and ideas. We will expand our fund raising efforts, working to build the school's curriculum, faculty, physical plant and reputation.

I invite you to join us in celebrating our 35th anniversary, and wish you good health, prosperity and happiness in 2008.

John D. Hutson
Dean & President

Celebrating 35 Years

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Photography: Michael Marzelli Photography,
Newbury, NH; John Hession, Frederick
Millett '08; Joseph St. Pierre; Laura
Chaney; Sharon Callahan.

Design: Desmarais Design, Amherst, NH

Printing: Imperial Company, Inc.
West Lebanon, NH

Pierce Law Magazine
Winter 2008 • Vol. 12, No. 1

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Front cover

Dawn Buonocore-Atlas JD '95 and Sara Lentini '08 at Calvin Klein's Collection store on New York's Madison Avenue

Back cover

The Supreme Court of the United States; Rhode Island State House; new board/meeting room

Corrections

We apologize for not including several alumni in the recent article, "Public Service in the Nation's Capital," in the summer issue of Pierce Law. The following alumni are also doing public service work in the Washington, DC area: **Sabrina Segal JD/MIP '05**, Pierce Law's first Presidential Management Fellow in the United States Agency for International Development (USAID); **William P. Jones JD '94**, civilian analyst at the Department of Defense Joint Personnel Recovery Agency; and **Rochelle Blaustein JD '93**, director of technology transfer at the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health, Bethesda, MD.

Submit alumni news items to alumni@piercelaw.edu

MY INTERNSHIP EXPERIENCE:

Enforcing Calvin Klein's Trademarks in New York City

Each year approximately 80 students earn credit towards their degree through Pierce Law's Externship Program. The program is extensive, and includes counseling about educational and career goals and identification by each student of their learning objectives. During their externships, students stay connected with the school through weekly journals, an online course and faculty visits.

Students choose to extern for a variety of reasons. Many are looking for a vocationally relevant experience. Others may choose to extern as a "rounding out" or capstone experience to their education. Students universally seek to learn how to put the knowledge of doctrine and skills they have learned in the academic setting into practice by working on real issues and cases. Externships help students to enhance their research and writing skills and, probably most importantly, to begin to develop their skills in making judgments. Externs also value the opportunity to communicate with practicing lawyers about the law and legal practice.

For organizations and corporations accepting externship placements, there is the obvious advantage of having a student available to help at no added cost. Many supervisors have commented that having a student to help allows them to better service their clients since they can explore extra avenues without charging.

But there are other advantages that are often cited that aren't as obvious. For example, many supervisors gain personal satisfaction from mentoring a soon-to-be new lawyer. Others have commented about the value of needing to explain why they do things a certain way. Such explanation requires seasoned lawyers to think about how they approach different aspects of their work, potentially leading to improvement.

Students are looking for externship placements where they will be challenged and given a breadth of experience. Often, they are seeking opportunities in specific locations or at specific type of firm or businesses. Finding good placements is an ongoing process.

We rely on alumni to help us find placements and many of our graduates, such as Vice President, Enforcement, Legal Dawn Buonocore-Atlas '95 at Calvin Klein in New York, NY, have been instrumental in making these opportunities available. Sara Lentini '08 of Haverhill, MA, had the opportunity to work at Calvin Klein during the fall semester. And Sara is only one of many students Dawn has brought to the New York fashion house. She has mentored Jill Goldman JD/MIP '03, Jacqueline Hudkins JD/MIP '05, Karina Mozogovaya JD '06, Janet Cho JD '07, Kara Brotman JD '07, and Matthew Hintz JD '07.

Please let me know what you can do to open a new door for one of our students.

– PROFESSOR ELLEN MUSINKSY
EXTENSHP DIRECTOR



Sara Lentini '08

On the first day of my externship at Calvin Klein, as I pushed through the crowd on New York's Eighth Avenue, I was still in shock that I had been given the opportunity to work in the legal department of such a high profile company. On that first day, I was full of emotion and concerns: What would my boss be like? Did I have the skills needed to do the work? What kind of work would I be given? As I first stepped onto the twelfth floor of the Calvin Klein offices, with its white walls, white couches, black desks, concrete floors and employees dressed in some shade of black or gray, I could feel my anxiety build with each click of my boots across the factory floors. Also, the irony that a woman whose daily fashion choice was "What hooded sweatshirt would go with what pair of jeans?" was going to work for one of the most revered fashion designers in the world was not lost on me.

Calvin Klein, Inc. designs and markets women's and men's designer collection apparel and a range of other products that are manufactured and marketed through an extensive network of licensing agreements and other arrangements worldwide. With 480 free-standing stores around the world and a global distribution in over 75 countries, Calvin Klein's global retail sales are in excess of approximately \$5 billion.

Their product lines include apparel, accessories, shoes, sleepwear, hosiery, socks, swimwear, belts, eyewear, watches, jewelry, coats, suits and fragrances, as well as products for the home. In 2007, Calvin Klein was again named the "#1 Most Recognized Designer Brand" by *Women's Wear Daily* (July 2007).

Thankfully, and fortunately for Calvin Klein, my externship involved only legal issues and not fashion design. All the anxiety that I felt on that first day eventually disappeared. During the externship, I was able to exercise the skills that I learned during my first two years at Pierce Law and to develop skills that I would need in the future to practice trademark law.

My anxiety was eased primarily by the fact that I had a great advisor and mentor, Attorney Dawn Buonocore-Atlas. I truly feel that I was given the opportunity to learn law in a way that students cannot in a traditional classroom setting. Being thrown into the middle of a large corporation's legal department could have been a trying experience, but with Attorney Buonocore-Atlas' supervision and direction, I gradually became more and more confident with my understanding of Calvin Klein's legal needs and was even able to take on some of the legal work and responsibilities myself.

During my externship, I cleared proposed trademarks for new product lines, reviewed numerous licenses and provided analyses of the licenses. However, much of my work focused on the enforcement side of trademark law, such as helping to authenticate seized shipments of goods bearing Calvin Klein marks at various customs offices worldwide and discussing litigation strategy with in-house officials. Working on such high priority issues with top caliber attorneys was an experience that could

not have occurred in a classroom alone. By observing and helping to manage legal activities at Calvin Klein, I gained insight not only into how a corporation deals with legal issues but also what issues are important to consider when determining legal strategy. This experience taught me not only how to analyze trademark and corporate law issues, but also how to build successful attorney-client relationships because I now understand how a client thinks when faced with a new legal issue.

In addition, Attorney Buonocore-Atlas often permitted me to accompany her to various meetings as a representative of Calvin Klein. I've met with customs officials from around the world as well as industry representatives and lawyers. These meetings often focused on how to combat worldwide counterfeiting, and I was able to learn about concerns from "inside the industry."

In particular, I have become very involved in the New York City Mayor's Task Force, a coalition of brand owners working with officials from the New York City Mayor's Office and the New York Police Department who pool resources to conduct counterfeit investigations and raids. It has been very exciting to have the opportunity to sit in on these meetings and hear industry members' concerns about anti-counterfeiting efforts. Most of the concerns regard the financial cost of each operation and balancing the cost with the benefit to each Task Force member. It is this practical view of trademark law that I obtained by attending meetings with Attorney Buonocore-Atlas, which has made me more aware of clients' issues. In the future, I will be more sensitive to my clients' concerns when I propose a legal action. An attorney should always be aware of the cost to the client, as well as the result of any recommended legal action.

As I join the many new lawyers practicing across the country after graduation this May, I will remember the lessons and skills I learned during my externship at Calvin Klein. My fashion sense may not have improved, but I know that I have gained an unusual insight into the law and a great resource in Attorney Buonocore-Atlas.

A resident of Haverhill, MA, Lentini plans to practice in Boston following graduation.

Buonocore-Atlas, who now calls Long Island, NY, her home, is a member of Pierce Law's Advisory Council for Intellectual Property. Former chair of the International AntiCounterfeiting Coalition, she also served on the Board of Directors of the New York Intellectual Property Law Association. Prior to joining CKI, she worked for Fitzpatrick, Cella, Harper & Scinto.

A Health Care Veteran Finds a Home at the World's Only Non-profit Pharmaceutical Company

Caring Counsel

BY ADELE NICHOLAS
INSIDECOUNSEL

AS ASSISTANT GENERAL COUNSEL FOR BAYER HEALTHCARE AG, JULIE CHENG [JD '89] DIDN'T EVEN HAVE TIME TO CARE FOR A PLANT. She was responsible for managing litigation, resolving employment disputes, protecting an intellectual property portfolio, negotiating research agreements, reviewing marketing materials and handling compliance matters for the company's hematology and cardiology business unit — a job that kept her on the road nearly 75 percent of the time.

While that sounds pretty typical of many senior level in-house posts, Cheng's life was different in one key respect — she also had a night job. Throughout her career Cheng moonlighted as a non-profit attorney, lending her time and legal expertise to a diverse group of non-profit organizations ranging from the Ft. Worth AIDS Outreach Center to the Philadelphia Volunteer Lawyers for the Arts to Big Brothers Big Sisters. For Cheng, pro bono work was more than a professional responsibility she fulfilled one or two days a year, it was a way of life.

So when Cheng discovered the Institute for One World Health (iOWH) was looking for a general counsel (GC), she couldn't believe her luck. The iOWH is the world's first non-profit pharmaceutical company. Its mission is to develop affordable treatments for neglected diseases, especially those that affect the developing world. iOWH is funded in part by several large grants from the Bill and Melinda Gates Foundation as well as other corporate and individual donors. The position combined

Cheng's background in intellectual property, transactions and the pharmaceutical sector with her dedication to public service. In January Cheng left the corporate world to become iOWH's GC and hasn't looked back.

Q: How did you find the job at iOWH?

A: I was having a conversation with a friend of mine, and I said something about possibly wanting to make a job change to a non-profit. He mentioned that he'd been doing volunteer work for the institute, and that it had just lost its GC. So he put me in touch with Ahvie Herskowitz, the organization's chief medical officer. We talked and it was a near perfect fit.

Q: How large is your legal department?

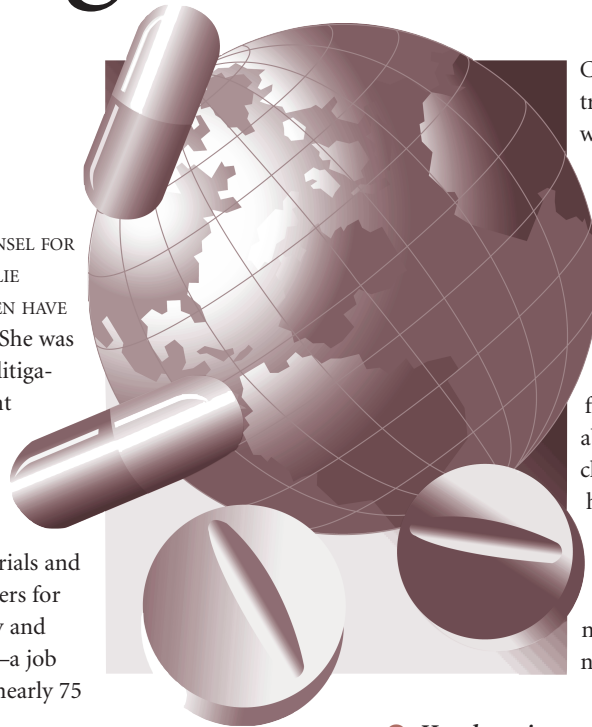
A: There are only three of us. I am the only attorney. I have an executive assistant and a paralegal working for me.

Q: What is the most interesting legal issue you've worked on at iOWH?

A: A lot of what we are involved with is international agreements in India related to our post-approval clinical trial for Paromomycin. [iOWH developed Paromomycin to treat visceral leishmaniasis, also known as black fever, a deadly disease transmitted via the bite of an infected sand fly.]

Q: What kind of work does that involve?

A: We needed to put agreements in place with all of the principal investigators and the clinical sites and laboratories. We also needed agreements with the manufacturer, supply chain, logistics and medical monitoring.



Q: How did you go about that process?

A: I actually traveled to India to work on the agreements.

Q: How was that experience?

A: It was important because it allowed me to make face-to-face contact with the manufacturer. They got to see me as a real person and not just some wacky lawyer on the phone. Also, having a lawyer who understood some of the cultural aspects helped. I am Chinese, and being Asian helps in understanding that the whole world doesn't work along U.S. standards. I talked to the general manager and the president of the company and we got along well. They had lunch for us in their home.

Q: For a lot of the projects the iOWH works on, there is some partnering with pharmaceutical companies. Is it difficult to negotiate those arrangements?

A: We've been pretty successful in working with big pharma because we're playing in different arenas. The pharmaceutical companies have a lot of resources available to them. But something like 90 percent of all research money goes to research into diseases that only affect 10 percent of the world population. We're focusing on the other 90 percent of people. Pharmaceutical companies are doing a lot of research that they may not want to pursue, but that we do. So it's to everyone's benefit when we can partner.

Q: How do those partnerships work?

A: That's specific to each project. For example, one of the big projects that we're working on is developing a drug for diarrhea, focusing on treating infants and small children. We're doing our own research and development in partnership with a contract research firm in Cambridge. And we're also partnering with several big pharmaceutical companies to take advantage of some of the work that's already been done in this area. We allow them to use the data that we have collected for their purposes and, if we need to, we will license their intellectual property.

Q: What role does IP play in your job?

A: We do have a small intellectual property portfolio that we own and a slightly bigger one to which we have licenses. I don't manage the day-to-day prosecutions, but I keep in touch with the patent attorneys who we have working on these matters for us.

Q: What are your future goals?

A: I would like to see the company expand to become even more of a bridge between public health and pharma.

Q: What are your hobbies?

A: I like to do outdoor things, which is part of why I like being here in California. The thing that I've been more focused on lately is sailing. I've been sailing for more than 20 years, but it's been mostly little dinghy sailing. Lately I've been sailing slightly larger boats in the 30-foot range. I wouldn't call them big boats.

Q: Sounds big to me.

A: It seems really small when you're in the middle of the bay, the wind is blowing at more than 25 knots and some of the people on board are looking a little green around the gills.

Q: If you weren't an attorney, what would your dream job be?

A: In a lot of ways, what I have now is my dream job. When I looked at the job description on the Institute's Web site and I looked at my CV, it was almost a one-to-one correspondence. I get to do good work. I get to help people save lives and I get to live in San Francisco. And I have time to have a life.

VITAL STATS

Name: Julie Cheng

Age: "A member of the boomer generation"

College: Reed College, 1984

Law School: Franklin Pierce Law Center, 1989

Family: None

Hobbies: Sailing, running, hiking

Pets: None

Car: a 10-year-old Saab

Reprinted with permission from InsideCounsel, September 2007.

SAVING LIVES

MY EXTERNSHIP EXPERIENCE AT ATLANTA'S SOUTHERN CENTER FOR HUMAN RIGHTS

*Where did I go wrong, I lost a friend
Somewhere along in the bitterness
And I would have stayed up with you all night
Had I known how to save a life
How to save a life*

—The Fray, "Human Rights First"



In *Pierre v. Louisiana*, decided in 1939, Justice Hugo Black began the Court's opinion with the following quote:

Indicted for murder, petitioner, a member of the Negro race, was convicted and sentenced to death in a state court of the Parish of St. John the Baptist, Louisiana. The Louisiana Supreme Court affirmed. His petition for certiorari to review the Louisiana Supreme Court's judgment rested upon the grave claim — earnestly, but unsuccessfully urged in both state courts — that because of his race he had not been accorded the equal protection of the laws guaranteed to all races in all the states by the Fourteenth Amendment to the Federal Constitution, U.S.C.A. For this reason, we granted certiorari.

Now, almost seventy years later, the words are still as relevant today.

In 1996, as in 1939, Allen Snyder, an African-American, was convicted by an all-white jury and sentenced to death, this time in Jefferson Parish, LA. The prosecutor in his case struck all five potential black jurors using nearly half of his peremptory challenges to get an all-white jury. The prosecutor then, both in the media and to the jury during the sentencing phase, compared Snyder's case to the O.J. Simpson case, decided just a year earlier, and urged the all-white jury to not let Snyder "get away with it" like O.J. did. The jury sentenced Snyder to death and his conviction was upheld twice by the Louisiana Supreme Court. Snyder appealed to the Supreme Court of the United States, arguing that since the prosecutor peremptorily struck African-American jurors because of their race, his conviction and death sentence were unconstitutional based on the equal protection clause of the Fourteenth Amendment. For this reason, the Court agreed to hear the case and granted certiorari.

My Work at the Southern Center for Human Rights

During my externship this past fall, I had the unique opportunity to be able to work on the *Snyder* case with Attorney Stephen B. Bright, founder and president of the Southern Center for Human Rights (SCHR) in Atlanta, GA.

The first week I arrived at SCHR, Attorney Bright was just finishing up a draft of his brief. I volunteered to edit and cite-check it. I must have done a decent job, because he asked me to help with a research assignment and later help formulate the argument for the reply brief.

When I began my research, I found many inconsistencies with later cases, and many problems with "clear error" review. I thought the Court should reconsider its ruling in *Hernandez v. New York*, which established the clear error review in *Batson* cases, and create a new standard of review that would be less deferential. While this might have been the best solution, Bright explained that a compromise is crucial to winning your case.

My research focused on the standard of review applicable to this line of cases on direct appeal (instead of habeas corpus

cases, which have their own highly deferential review). It was an issue that took up less than three pages in Attorney Bright's brief, but was an issue he thought would be important to the state's argument. To understand the standard of review issue in *Snyder v. Louisiana*, it is important to understand *Batson v. Kentucky*, the landmark Court decision in this area as well as the later Court cases applying *Batson*.

Peremptory challenges have been used since the nation's founding, a carry-over from English common law, and are now a staple of the American jury system. A peremptory challenge can be used by either the defense or the prosecution, when selecting a jury when they have a "hunch" that a juror would not be helpful, or will not agree with their side of the case. During what is known as the "voir dire," the prosecutors, defense lawyers, and occasionally the judge, ask questions of the prospective jurors about their qualifications for jury service, their opinions about the issues in the case, and specifically, in death penalty cases, about their ability to impose a death sentence if the facts support one.

If either side believes that a prospective juror is biased towards one side or, in death penalty cases, if a prospective juror is not "death qualified" (meaning that the prospective juror cannot impose the death penalty for whatever reason), and either side can prove this fact, the judge will excuse the prospective juror "for cause," meaning that there is a valid reason for not having that person sit on the jury. After these "for cause" challenges, each side is permitted a specific number of peremptory challenges (the number varies state-by-state). These challenges are then exercised on prospective jurors who were not excused "for cause," but for prospective jurors that either side still believes would be likely to vote with the opposing side.

Historically, peremptory challenges were exercised without giving any reason as to why a prospective juror was being excused. After being confronted with many improper uses by prosecutors, such as using peremptory challenges to exclude minorities, the Court required, on equal protection grounds, that parties give reasons for using peremptory challenges when race is an issue.

In *Batson v. Kentucky*, the Court created a three-part test for determining whether a peremptory challenge was used because of race. First, the defendant must present a prima facie case of discrimination—this is usually accomplished today by objecting to a prosecutor's peremptory challenge of a prospective minority juror.

Second, the prosecutor must then give a race-neutral reason for why the prospective minority juror was struck. In *Batson*, the Court said that this reason must be related to the particular case; however, in subsequent cases the Court stepped down from this burden and now only requires race-neutral reasons that are not pretextual, even if the reason given is not plausible.

Third, a court must determine whether the race-neutral

reason given by the prosecutor was credible, or if it was a pretext for discrimination.

For this third step, the Court required deference to the trial court's findings on review by appellate courts. This is because findings of fact and credibility are best determined by a trial judge, who can both see and hear the prosecutor when giving a race-neutral reason. However, in later lower court cases both on the state and federal level, appellate courts have refused to reach the merits of *Batson* challenges, in some cases summarily dismissing challenges in one sentence based on the "great deference" afforded to the trial court. This deference got so bad that the Court had to state in a subsequent *Batson* case, "deference does not by definition preclude relief." This is what occurred in the *Snyder* case, when the Louisiana Supreme Court basically defined deference so broadly as to preclude relief.

The standard of review for *Batson* challenges is clear error, which means that an appellate court can only reverse a trial court ruling if there exists a "definite and firm conviction that a mistake has been committed" on the entire evidence. As many studies since *Batson* have shown, this standard is rarely met. Race-neutral reasons, such as the prospective minority juror appeared nervous or the prospective minority juror had a beard, have all been upheld by appellate courts based on this deferential standard of review.

The Court has historically struggled with defining what exactly this standard of review means. This is not just a problem in *Batson*; clear error review and deference are used and misunderstood in Title VII employment discrimination cases, electoral redistricting cases, and even administrative law cases. In perhaps the most confusing use of clear error review, the Court in *Citizens to Preserve Overton Park, Inc. v. Volpe*, one of the most cited cases in administrative law, compared clear error review to the highly deferential "arbitrary and capricious" standard of review for courts reviewing agency determinations under the Administrative Procedure Act — a comparison that most legal scholars have labeled is "clear error" itself. Even the seminal Court decision defining what clear error means comes from an antitrust case with issues of patent law, which explains clear error review in very few pages. Since then, the Court has struggled with exactly what a "firm conviction" means, or what a review of the "entire evidence" entails. This question, however, is one of the most important, if not *the* most important question in determining whether you win or lose your case. As a result of this confusion in defining the standard of review in *Batson* cases, many parties have lost their case based on the mere fact that the appellate court must give "great deference" to the trial court's ruling.

The issues in *Snyder* present several opportunities to correct this flaw. The Court has the opportunity to apply the clear error standard of review in a way that would not eliminate appellate review of trial court determinations. There are legal questions as to whether the Louisiana Supreme Court erred in

either leaving out or did not give enough weight to factors that legally should have been included; for example, whether to consider the references to O.J. Simpson before trial and during closing argument in a *Batson* challenge.

During my many weeks of research and work with Attorney Bright, I learned a tremendous amount about both brief writing and arguing before the Court. The wealth of knowledge that Attorney Bright has on these subjects is incredible. I have to admit that I was nervous at first. Not only would I be researching a difficult issue, I would also be working with one of the preeminent capital defense experts in the country. I was able to apply the skills I have learned in law school into practice. This experience has definitely built my confidence and confirmed for me the fact that I want to go into litigation.

In addition, I learned how to help people who truly needed it. People who, in most cases, society has given up on. During my four-month externship, SCHR attorneys reversed two death sentences of inmates who otherwise would have lost all hope with a system that wanted them to die. I feel honored to have helped these attorneys and their clients, even if it was for just a short time. I plan to continue public interest work throughout my career through pro bono work and other opportunities, and to work to end the death penalty in this country. Like doctors and firemen, the lawyers at SCHR work day in and day out, fighting against all odds, to save a life.

Conclusion

On December 4, 2007, I was given the opportunity to attend the oral argument of Attorney Bright before the United States Supreme Court. I was able to hear the argument that I had helped to research during the five months of my externship — it was the perfect end to my externship experience.

Attorney Bright argued, "I think what this prosecutor learned from O.J. Simpson, Justice Stevens, is that you don't let blacks on the jury. I mean I think he saw that this racially mixed jury in Los Angeles let him 'get away with it,' and we're going to have an all-white jury here in Jefferson Parish, Louisiana." This was perhaps one of the strongest arguments made by Attorney Bright, and it was delivered brilliantly and at exactly the right time.

I was even lucky enough to watch Attorney Bright's final moot argument, where he perfected much of his argument, including the statement above. Experts in the field questioned Attorney Bright for nearly two hours.

As in the brief, much of the state's argument focused on deference to the trial court—the key issue of my research. Toward the end of the argument, Justice Kennedy, who may be the swing vote in this case, began to understand the focus of the arguments. He asked, "Because of our concerns in the *Batson* area, do you think we're entitled to have a different standard of deference for the trial court?" This question was exactly what Attorney Bright and I had spent my semester trying to answer.

A Matter



William J. Murphy JD '89

of Balance

“I thoroughly enjoyed my years at Franklin Pierce. The education that I received was top-notch and the interaction between the students and faculty was terrific.”

– William J. Murphy JD '89

William J. Murphy JD '89, keeps some pretty good company as Rhode Island's speaker of the House of Representatives. A gallery of photographs of political dignitaries, New England sports stars and Hollywood celebrities line the walls of his wood-paneled, third-floor office in the Rhode Island State House in Providence.

In one frame, Murphy stands for a portrait flanked by former President William Clinton, and in another, Russian leader Mikhail Gorbachev. In an autographed frame, former New England Patriots' star kicker Adam Vinatieri poses with Murphy. Phillip Noyce, director of *A Clear and Present Danger* and *Patriot Games*, actor Jason Issacs of *Harry Potter* fame, and Chris Van Allsburg, a Providence resident and author of the prized children's book, *The Polar Express*, are featured in other photographs in Murphy's State House office.

Murphy is proud of Rhode Island and its capital city of Providence, home to one quarter of the state's population of 1,048,319 (2000 census). Rhode Island, also known as the “Ocean State,” is the smallest state by area in the United States and the eighth smallest state by population. But its size didn't keep Rhode Island from being the first of the thirteen original American colonies to declare independence from British rule, signaling the start of the American Revolution.

The fact that there are only 24 hours in a day did not stop Murphy from running for the post of speaker, the highest-ranking position in the state's 75-member body of lawmakers.

When he is not serving the constituents of the 26th District, Murphy is working at his downtown Providence law office of Murphy & Fay, LLP, a firm he founded with attorney Mark Fay in 2000.

Balancing the jobs of attorney and speaker is not easy. Murphy splits his day, spending mornings and early afternoons in court or at his law office, and late afternoons and evenings at the State House. He does not manage both posts without help, and relies on administrative assistants and staff at both the law office and the State House.

Murphy has lived in Rhode Island all of his life. The only significant time he spent out of state was to attend college and Franklin Pierce Law Center in the 1980s. He was born in Warwick, R.I., in 1963 and attended West Warwick High School, graduating in 1981. He later attended the University of Hartford, earning a BA degree in politics and government.

In 1986, he enrolled at Pierce Law. “I thoroughly enjoyed my years at Franklin Pierce,” says Murphy. “The education that I received was top-notch and the interaction between the students and faculty was terrific.”

During summers, he externed for the late Professor Bruce E. Friedman in the Civil Practice Clinic. He also externed for well-known criminal defense attorney John Tramonti Jr. in Providence, R.I.

“During my third year of law school, I competed in moot court and discovered that I enjoyed litigation,” says Murphy. After passing the bar exam, he began his career in Rhode Island working for John Tramonti Jr.

Murphy tried his first case six months after becoming a member of the Rhode Island bar. “It was a drug possession case in which my client’s house was the subject of a search warrant. We went to trial and the jury found my client not guilty,” Murphy explains.

“By 1999, I was busy with my criminal practice and personal injury practice, and I wanted to partner with someone who had civil practice experience. Mark Fay and I had taken the bar exam together and knew each other from court. We decided to start a firm.”

Murphy & Fay now employs two other attorneys, two paralegals and two administrative assistants. Their downtown offices are conveniently located within walking distance to all the Providence courts and close proximity to the State House.

Over the years, Murphy has tried more than forty jury trials in state and federal courts, and has tried and won four murder trials. In 1997, he represented a young woman who was abused by her boyfriend. “She stabbed him in self-defense and unfortunately, the young man died. She was indicted for murder and was acquitted after trial. At the time, the *Montel Williams Show* was producing a program on battered women and asked me to appear with my client on the show,” says Murphy. “It was an interesting experience.”

He also successfully represented one of the defendants in the infamous “Plunderdome Trial” involving former Providence Mayor Vincent “Buddy” Cianci Jr.

“I can say that Franklin Pierce provided me with a strong foundation upon which I was able to build and establish a sustainable career in the legal profession. My experience at Franklin Pierce was an extremely positive one,” says Murphy.

Murphy became active in politics after he graduated from Pierce Law. He later joined the West Warwick Democratic Town Committee. “In 1992, the state representative from my district announced his retirement. I ran for that seat and I won,” Murphy explains.



He took office in January 1993. In 2002, he was elected by his colleagues to serve as speaker.

"In January, I began my sixteenth year as a state representative and my sixth year as speaker," explains Murphy. "We are a part-time legislature; our session runs from the first Tuesday in January to approximately July 1. My post as speaker has virtually become a second full-time job."

Under his leadership, the House has enacted pension and tax reforms, passed tougher drunken driving laws, instituted a ban on smoking in public places, and numerous economic development initiatives.

"Economic development is the biggest issue and is the key to the future of the state of Rhode Island," says Murphy.

Murphy was the prime sponsor of the Rhode Island Film and Television Tax Incentive Bill that was passed by the House in 2005, bringing welcome commerce into the state.

Since 2005, several movies have been filmed entirely in Rhode Island, including the recently released *27 Dresses*, as well as *Dan in Real Life* and *Underdog*. "Several studios have held "soft premieres" of their films in Providence," says Murphy. "*Underdog* premiered at the Providence Performing Arts Center."

The changing skyline of downtown Providence is confirmation of Rhode Island's growing economy. Looking south from Murphy's State House office windows stands a brand new multi-story red brick and green glass building. It's world headquarters to GTECH, which had threatened to move out of Rhode Island in 2003. An international lottery company,

GTECH was purchased by an Italian company but has kept the GTECH name, and more importantly, stills calls Providence home.

"It is just one of the many economic accomplishments of the House. We were able to keep GTECH in Rhode Island along with the five hundred jobs they provide," says Murphy.

One of the biggest challenges facing Rhode Island, and the rest of the nation, is health care.

"Everyone should have access to quality health care," Murphy says. "In fact, the number one private employer in the State of Rhode Island is the hospital system. We have a committee that has been working on health care issues for years. We have a population increasing in age that will require nursing care and we need to stay on top of this issue."

Murphy says he does not plan to run for a higher political office in the near future, and enjoys his dual roles as attorney and speaker. For now, the needs of his clients and constituents are his top priority.

Murphy resides in West Warwick with his wife, Stacey, and their two sons, Ryan, 11 and Kyle, 9.

Pierce Law Alumni at the Rhode Island State House

Two other Pierce Law graduates also work at Rhode Island's State House. Paul Jabour JD '81, who has a private practice in Providence, represents District 5 as a state senator. Ann Gancz-Teixeira JD '86 serves as a law librarian for the Rhode Island Office of the Secretary of State in the Rhode Island State Library and as head of the Federal Government Documents Program. While Murphy and Jabour help to make the laws, Gancz-Teixeira works behind the scenes, researching statutes and cases, and responding to inquiries from the legislature, its staff and the general public regarding bills going through session.

“Haddad is an example of how one employee, backed by a team of dogged attorneys, pulled out a legal victory against the giant retailer. She benefited from having a long track record at the company, complete with strong employee evaluations over many years. Even more important, her lawyers, Richard Fradette and David Belfort, were able to track down key witnesses who could put Haddad's treatment in context, especially male pharmacists who formerly or currently worked at Wal-Mart and who had faced markedly different treatment.” — *Business Week*, June 28, 2007

A Legal Analysis: How Two Pierce Law Alumni Won Their Case Against the Nation's Largest Retailer

In June 2007, a Berkshire County Superior Court jury awarded Cynthia Haddad of Pittsfield, MA, \$1 million in punitive damages, \$1,767 in past lost wages, \$95,000 in damages for improper termination of employment, \$125,000 for emotional distress, \$17,700 in financial damages, and \$733,000 in lost future wages to compensate her for Wal-Mart's gender discrimination in her wages and terms of employment. Barring an appeal from Wal-Mart, the nation's largest retailer with sales of \$351.1 billion last year, the verdict ended a three-year battle for Haddad who was dismissed after more than 10 years of service as a pharmacist. The verdict was reached after eight hours of deliberation by the jury of eight women and four men aged 24 to 76, ending the two-week trial and months of work by Pierce Law alumni Richard Fradette JD '82 and David Belfort JD '96.

“It was the first day of the rest of our lives no matter what the verdict,” said Haddad, a 45-year-old mother of four. “My story was told and I did the fight. My life would go on after that.”

The Lawyers: Their Expertise

Fradette and Belfort served as co-counsel for Haddad. Fradette is a licensed pharmacist with more than 24 years of litigation experience. Fradette brought in Belfort who offered extensive expertise in employment litigation and Massachusetts trial practice and procedure. Together, the two Pierce Law graduates brought the perfect combination of skills and experience to prepare a winning strategy in this major case.

Before receiving his JD degree at Pierce Law, Fradette attended Massachusetts College of Pharmacy and Health School. Fradette, who also holds a license to practice pharmacy in New Hampshire, earned a master's degree in public health in 2000 from the Boston University School of Public Health. Today, he is a shareholder in Beliveau, Fradette, Doyle & Gallant, PA, Manchester, NH, where he handles a variety of complex litigation for corporate and individual clients in the areas of health care law, medical malpractice, administrative law, personal injury, products liability, Medicaid fraud, zoning and planning law, and divorce. In 2007, he was named to *New England Super Lawyers*, in the professional liability/plaintiff category.

In 1996, Fradette helped to found The Inn at Deerfield, a long-term care home for individuals with Alzheimer's. His charitable work includes service as a health care advisor to the Governor's Council and on the New Hampshire Health Care Transition Fund Advisory Committee. Fradette has served on the Board of Directors of the Manchester Development Corporation since 1995 and helped to found the New Hampshire PharmAssist Foundation, a peer assistance program for pharmacists.

Belfort is a founding member of Corrigan, Bennett & Belfort, P.C. and manages the Cambridge, MA, office. He litigates employment and commercial disputes and represents both individuals and organizations in the areas of employment discrimination, restrictive covenants, wages, FMLA, whistleblower claims, shareholder disputes and related issues. In 2006,

he was named a 'Superlawyer' by *Boston Magazine* in the area of employment litigation.

An active member of the Massachusetts Bar Association, Belfort currently serves as co-chair of the Labor and Employment Section Council. He is also a volunteer member of Health Law Advocates, a pro bono advocacy organization that focuses on improving access to health care for underserved populations. Prior to attending Pierce Law, he earned a BA degree with honors at Hobart College in 1992.

"In retrospect," comments Fradette, "I couldn't have picked a better partner in this case." Neither knew they were both Pierce Law graduates until they had been working together for a few months.

"The discipline that I learned at Pierce Law has been critical to my practice," says Fradette. "I gained the ability to analyze a fact pattern and apply the law to those facts. At first, I resisted this because as a pharmacist trained in science, I found it difficult to understand why a case would have a different result with what I considered to be the same facts. In science, when you burn sodium, it *always* produces a yellow flame. When you combine ingredients, like two hydrogen atoms with one oxygen, you are going to get water. It is predictable, reliable and reoccurring. Law is not as predictable. Two people may get into car accidents, and one will get a million dollars and the other a goose egg. The ingredients appear to be the same, but the results are entirely different. There are too many variables, like the credibility of the client, the circumstances of the client, the extent and permanency of the damages, skill and experience of the attorney, the judge, and of course the composition of the jury, to predict the outcome of a case with any certainty."

"Pierce Law provided a nurturing environment and that's where I learn best," says Belfort. "It is not a typical ultra competitive law school. I am proud to say that I went to a school that doesn't teach you by making you scared. It helped to shape me into the person I am today."

"While I learned some nuts and bolts of practicing the law, 'thinking like a lawyer,' was the most important thing I took away from Pierce Law," adds Belfort. "Pierce Law taught me to think creatively. The practice of law is very oriented toward 'learning as you go,' and the first four years after school is when you really learn how to practice law. It's an evolving process. I am still learning every day."



David Belfort JD '96 and Richard Fradette JD '82

History of the Case

Haddad began working as a pharmacist in 1993 in Massachusetts. It was the beginning of a career that had been her life-long dream. She worked for Wal-Mart for over a decade. In 2003, she was appointed pharmacy manager of the Pittsfield, MA, store for what was supposed to be a two- to three-month period — a position she held until her termination 13 months later. The position was to have included a bonus and an hourly raise of \$1 per hour.

After nine months as a temporary manager, she still had not received a bonus or an hourly raise. She complained a number of times to Wal-Mart

management and was partially paid a bonus check but not the manager's differential that was given to her male counterparts. After reporting the pay inequality for several more months, she was paid another portion of her bonus and was terminated by Wal-Mart five days after receiving the bonus in April 2004. While Wal-Mart claimed the decision to terminate Haddad was made the day of her firing, they had actually dated the termination notice one day prior and had lined-up a replacement for Ms. Haddad weeks prior to her firing.

Haddad, however, believed she had been wrongfully fired from the Pittsfield store because she was a woman and in response to her requests for equal pay.

Wal-Mart's defense was that Haddad was fired for "violation of policy" when she left the pharmacy technicians in the pharmacy unsupervised. On her permanent record, Wal-Mart noted that Haddad was fired for "failing to secure the pharmacy," an offense considered "gross misconduct" in her permanent record. Wal-Mart also stated that Haddad wasn't entitled to the same pay as the other male pharmacy managers because she did not perform the duties of a manager.

According to Wal-Mart's defense team, "Haddad was not actually a manager and was given that title only for the purpose of the state license that allows the pharmacy to dispense drugs. She was not responsible for setting her department's budget or for increasing sales — the typical duties of a manager. Rather than discriminate against Haddad because of her gender, Wal-Mart made a 'sound business decision' to let her go."

The Strategy

In May 2004, Cynthia Haddad and her husband, Bill, also a pharmacist, visited Fradette's office.

"The Haddads were clearly in a state of distress," says Fradette. "Cynthia could not reconcile her termination from Wal-Mart."

"No lawyer had accepted this case," says Fradette. "Haddad only had \$1700 as a wage dispute. I was willing to take the case because of the extent of her distress and her sincerity." Fradette's son, James Fradette JD/MIP '06, attended the intake meetings and assisted in the initial research, drafting and case work-up.

"Wal-Mart refused to mediate and retained legal counsel," says Fradette. "That's when I decided it was time to retain co-counsel in Massachusetts." Fradette retained Belfort, an employment litigator, in August 2005.

"All totaled, there were 35 discovery depositions taken in this case," says Belfort. "This included fact witnesses, video teleconference depositions of Wal-Mart executives in Bentonville, AR, as well as expert witnesses."

In late 2006, a trial date was set for June 2007 at the Berkshire Superior Court. Despite requests for extensions by Wal-Mart counsel, Fradette and Belfort, along with Haddad, insisted on maintaining the schedule.

"Ms. Haddad wanted her day in court, win or lose, so she could tell her story and get on with her life," according to Fradette and Belfort. "There was no advantage for the Haddads to grant any extensions and, in fact, there would be disadvantage to the Haddads. Therefore, we persevered and the case was prepared and tried as scheduled," says Fradette.

A number of key witnesses were not deposed by the defendant in advance of trial. "This proved to be a strategic

"While I learned some nuts and bolts of practicing the law, 'thinking like a lawyer,' was the most important thing I took away from Pierce Law."

— David Belfort JD '96

Together they went over the facts of the case. Haddad was allegedly fired because she left the pharmacy unattended and allowed a technician to use her computer security code to issue prescriptions during her absence. Haddad admitted to occasionally leaving the pharmacy to purchase snacks in the areas contiguous to the pharmacy over-the-counter area, as did virtually all pharmacists and pharmacy managers.

According to the evidence that Fradette discovered, "No other pharmacist had been fired for such a charge in the history of the retail giant. Similar and even more severe violations by male pharmacists were ignored," according to Fradette.

"The fraudulent prescription was filled by a technician 18 months before Haddad was fired and was not done with her knowledge," says Fradette. He believed the charge was fabricated as an excuse, and that Haddad was really fired because she insisted on being paid the same bonus that was being paid to male pharmacy managers.

Preparing for The Trial

Fradette and Belfort worked on the case through 2006, with standard discovery, depositions, and pretrial preparation. With his background in pharmacy, Fradette took the depositions of all the pharmacists, treating physicians, and key defense witness. Belfort deposed witnesses who were oriented toward employment issues and damages, including Wal-Mart's loss prevention manager, comparator pharmacists and expert economist.

advantage to us since they had no control of the witness at the trial without a deposition transcript," explains Fradette.

Belfort, with the help of his associate Michael Mason, handled jury selection, which began on June 4, 2007. "There were approximately 60 potential jurors available and we went through all but one," explains Fradette. "Ultimately, we were able to get a balanced, attentive and educated jury. The members of the jury were able to consider the evidence in a fair manner and without emotion, sympathy or anger."

Fradette and Belfort literally moved to Pittsfield, MA in late May for the duration of the trial, setting up headquarters in a house they nicknamed the "House of Justice." Both put their practices on hold in order to focus exclusively on the trial, relying on their partners to maintain the home front. Fradette's partner, Pierce Law alumna Cheryl Beliveau JD '83, took over much of Fradette's workload during the trial to give him the time he needed to prepare and try the case.

"During a trial you are together 24/7, going over strategies, changing witness line-ups, and preparing witnesses," says Fradette. "Haddad helped us every night to review critical quotes and prepare for cross-examination. She has a terrific memory."

"Preparing for trials is a laborious and emotionally taxing process," says Belfort. "Given the massive volume of fact-intensive discovery we conducted, it was crucial that we distilled the evidence to a manageable level so that it could be effectively used at trial. We spent many hours and late nights both prior to and during the trial summarizing transcripts, organizing exhibits and preparing witness examinations."

“As you can imagine, trial strategy, witness lineup and witness preparation are critical events in a trial of this magnitude,” says Fradette, who had successfully litigated an employment case resulting in a \$480,000 verdict in 2005. “That case reinforced the importance of taking the offense and getting your story to the jury.”

Expert Testimony Helped to Win the Case

According to Fradette, “In addition to the important testimony of Haddad, the jury also heard from three other professional women.” Her testimony, in addition to that of three other professional women, was critical to this case. Key testimony was provided by a forensic medical evaluation expert, a treating psychologist, and an employment consultant. The former president of the Massachusetts Board of Pharmacy also testified.

“I don’t know how often courts allow experts to testify about human resource issues,” adds Belfort. “We had a 60- to 90-minute ‘voir dire’* on it. The Court ultimately allowed the employment consultant to testify but narrowed the scope to the employment policies and procedures at issue, rather than the pre-termination investigation that the plaintiff claims was inadequate.”

“The key to experts is to prepare, to go through their records and know their opinions,” says Fradette. During the trial, Wal-Mart’s only expert witness testified that if the termination of Haddad was illegal, then her emotional symptoms were related to her firing.”

“The defense did not have an expert on the issue of the standard of treatment when you adopt, enforce and communicate policies [to employees],” explains Fradette. “The evidence at trial clearly showed that Wal-Mart had selectively enforced ambiguous and conflicting policies in a discriminatory manner against Haddad, as compared to her male colleagues.”

Summary

“Belfort’s examination of the employment consultant elicited un-rebutted testimony about the inconsistent drafting, dissemination and application of very complex and often conflicting policies and procedures,” says Fradette. “It is important to get the story to the jury in an accurate manner and that you tell it first.”

“We hoped that Rick’s folksy style would be well suited to this rural western Massachusetts jury, so we decided that he should do the opening and closing arguments,” says Belfort. “My strength in cross examination, which is generally more confrontational, led to the determination that I would handle Wal-Mart’s primary witness.”

“Belfort demonstrated throughout the testimony that the investigation into Haddad’s alleged misconduct was severely flawed, the disciplinary measures applied to her unfair, and her treatment, relative to her male colleagues, disparate and far more harsh,” explains Fradette.

“The jury will remember certain nuggets of testimony,” says Fradette. “They are going to remember the ‘larger than life’ statements such as, ‘In the history of Wal-Mart, no one has ever

been fired for failing to secure the pharmacy, except Haddad,’” as was stated by Wal-Mart’s 27-year career regional manager.

“And in the end, it is the client who wins the case,” says Fradette. “Haddad was a super client. She is an extremely ethical and capable pharmacist, a stellar employee.”

“Haddad’s testimony was credible and sincere,” agrees Belfort. “And it ultimately persuaded the jury to find in her favor.”

“The larger message coming from this verdict,” says Belfort, “is that employers are on notice that they cannot fabricate pretextual and illegitimate bases for employment actions to

conceal discriminatory animus. This case serves as a cautionary tale that disparate treatment on the basis of gender will not be tolerated.”

“This is a huge victory for female pharmacists, and an even bigger victory for women employees generally,” says Fradette.

Fradette resides in Manchester, NH, with his wife, Julia, a dental hygienist. They have three children, James, 27, Karen, 24 and Michael, 22.

Belfort resides in Cambridge, MA, with his wife, Mandy, a neonatologist at Children’s Hospital in Boston. They have two children, Zachary, 2½, and Nadia, five months.

Case Statistics

Type of action: Employment discrimination

Injuries alleged: Lost wages

Name of case: *Haddad v. Wal-Mart Stores, Inc. et al.*

Court/case no.: Berkshire Superior Court, No. 05-00274

Trial before judge or jury: Jury

Name of judge: John A. Agostini

Amount of verdict: \$1.97 million, plus statutory interest, costs and attorney’s fees (to be determined by a judge)

Date: June 19, 2007

Highest offer: No offer made

Both parties have legal issues that are likely to be appealed to a higher court.

*Voir dire is the preliminary examination of a witness or juror to determine his or her competency to give or hear advice.

Civil Affairs

BY CHRISTOPHER PAUL '09, ORR & RENO FELLOW



On an October evening in 2002, a New Hampshire state trooper stopped a car traveling northbound on I-89 near the town of Lebanon. When he asked the Vermont driver for her license and registration, she told the officer that according to the Fourteenth Amendment to the United States Constitution, she was not required to have a driver's license. She claimed that she was not "driving", but "conveying," and as such, the State of New Hampshire could not compel a Vermont resident to have a driver's license that "abridged her privileges and immunities."

Interesting maybe, but as a result of that minor traffic stop, the docket of the Federal District Court for the District of New Hampshire showed 95 filings as of June 1, 2007 in what is now known as *Christian v. Anderson, et al.*, Civil No. 05-cv-356-JD. These filings consist of an initial complaint, several amended complaints, motions to dismiss, motions to compel, and various judicial orders since the driver initiated a civil lawsuit naming the officer, several Grafton County corrections officials, Lebanon police officers, the local bail commissioner and a judge for a variety of Constitutional violations as well as several state tort claims. In addition to the extensive docket, the file consists of several boxes of depositions, interrogatories, police reports and propoundments for documents. In June, I got to write the 96th filing—the Motion for Summary Judgment. I had ten days and a 25-page limit. Not bad work for a IL.

How did I get this gig? This summer, I was fortunate to be the Public Interest Coalition Orr & Reno Fellow at the New Hampshire Office of the Attorney General where I worked as a legal intern for several attorneys in the Civil Bureau. The Civil Bureau represents the various state agencies when they are sued, acting as the attorneys for the "client" agencies much as a private law firm would. The state is sued a lot. In addition to defense representation, the attorneys in the Civil Bureau also act as "counsel" to these agencies, issuing opinions and advice on legal matters, and helping with statutory interpretation and policy implementation.

They provide advice to legislators, the executive council and even the governor. The Civil Bureau also manages the Charitable Trust Division, overseeing the administration of the state's more than 6200 charities and not-for-profit organizations. That is a lot of work for 20 or so lawyers and the attorneys rely quite a bit on interns. That helped make it a great summer experience for me and the four other summer Civil Bureau interns.

During my ten weeks, I also researched and wrote two appellate briefs—one each for the New Hampshire Supreme Court and the First Circuit Court of Appeals. I wrote several opinions for various agencies, and drafted other motions and memos in a broad variety of cases from civil commitment to prisoner's complaints.

Frankly, I was surprised at the level of responsibility and the high expectations the senior staff gave interns. I expected that as a lowly IL with no legal experience, I'd be relegated to the "scut work." To the contrary, the job was not just sitting in the library and providing research help for the lawyers, but rather substantive and important work that included drafting the complete memos and briefs. Within one hour after my initial orientation, my first assignment came with the instructions, "See that box over there? Read the files and write a brief. It's due next Friday." The work was intense, with looming deadlines. I often found myself at my desk by 6:30 AM, and worked at home in the evenings. It was engaging and interesting work.

It was not all work and no play, however. The staff of the Attorney General's Office tries to make it fun. Every summer, each bureau hosts an outing for the interns. The Environmental Bureau had a day of orienteering and skeet shooting. The Civil Bureau scheduled a day with the Marine Patrol on Lake Winnepesaukee and topped the day off with a hike up Mt. Belknap. I had the opportunity to attend several habeas corpus hearings at the prison and sat in on the proceedings of the Board of Claims. Many of us worked on and attended trials. We had an interns-only lunch with Attorney General Ayotte

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At Home in the Big *Uneasy*

BY ALISSA SHAY ZELLER '08

To watch him in court, John Harvey Craft could convert any law student into a public defender. After twenty years with the Office of the Federal Public Defender for the Eastern District of Louisiana (FPD), he knows how to capture a jury's attention. You can see this by the way they lean forward, hardly breathing, visibly moved by his words. He humanizes his client and gives the jury something they can relate too. With his white beard and boyish grin, Attorney Craft looks just like Santa Claus — only with street cred and a graceful southern drawl.

My conversion happened during one particular closing argument in a firearm possession case. The police had gone into a high crime neighborhood looking for suspicious activity. There they saw a black male run from them, so they seized him and attributed to him a gun found near the scene. There were a lot of these cases this summer.

Attorney Craft pointed out to the mostly white jury that, yes, the African-American defendant was found in a neighborhood known for hard drugs and violent crime. However, he reminded them that this should not be viewed as evidence of his guilt, because for better or worse, this was where the defendant lived. For that matter, it was where his "momma" and brothers and sisters lived too. Attorney Craft's voice was soft, but emphatic, "It may not look like much, but it's home."

Home. What a bittersweet word. Attorney Craft reminded the jury that all over this city, people from every walk of life had defied reason and returned to god forsaken neighborhoods, simply because they could not imagine living anywhere else. I could see each member of the jury turning this over in their heads and I wondered what they had returned to after the storm. I know I ached for my childhood home — abandoned in what is now the wasteland of New Orleans East. I missed the familiar sound of the stairs, the smell of my room, the view from my giant oak. I could relate to that inexplicable love for a place where no one in their right mind would want to live. That was how I felt about New Orleans as a whole.

The city's flaws were made so visible in the days, weeks, and months after the storm — including its debacle of a criminal justice system. I had always wanted to go down to help in some small way, and so with the help of the Public Interest Coalition Fellowship I finally got my chance.

What surprised me most about my time at the FPD was how pervasive a presence the hurricane was in every case and in every life. There was the young man who showed me his tattoo in honor of his one-year-old child who drowned during the storm. There was the guy who was sent back to jail because, after his family lost their home and he could not make ends meet in New Orleans, he moved to Chicago for work, but violated the terms of his parole. There was the single mother of two who faced jail time because she gave her probation officer the address of her destroyed home, the one she hoped to return to someday, instead of her FEMA trailer. This same woman had lost four siblings to the storm — three in the immediate aftermath, and later, one from FEMA trailer-related formaldehyde poisoning. She explained to the judge that she thought she was going "just a little crazy" from it all.

Then there were the DNA samples, which could make or break the defendant's case, which were stored in the New Orleans Police Department evidence room — inconveniently located in the basement of police headquarters during the flood.

Finally, the storm has had an unexpected affect on the types of cases coming through the federal courts. There continues to be an unusual influx of cases like the one mentioned earlier, involving a felon in possession of a firearm. With the post-Katrina crime rate soaring, the District Attorney's Office is overwhelmed and ineffective. As a result, local police have started looking for any opportunity to bring federal charges because a United States attorney has better prosecutorial resources.

For whatever reason, there are precious few victories for indigent defendants in federal court. As a matter of fact, the jury which looked positive-



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where I learned that I worked for the “best law firm in the state.” Hyperbole aside, it is difficult for me to imagine gaining such substantive legal experience as 1L summer intern anywhere else. I learned a lot.

I spent over 28 years in the private sector and it is easy to become jaded about government and government employees. I wasn't sure I'd like working for “the government.” I now know better. The attorneys at the Attorney General's Office are some of the best and brightest in the state and most could easily be earning a multiple of their government salaries. They work hard and are effective stewards of the public's trust and money. They strive, as good attorneys should, to remain politically neutral when representing their “clients.” They are dedicated public servants in the best sense of the phrase.

I can't thank the Public Interest Coalition, and especially the generous benefactors, enough. Without this support, many of us would be forced to forego such important non-paying internships in order to pay the bills. As the Orr & Reno Fellow, I was given the opportunity to develop legal research and writing skills, gain a fresh perspective on public service and actually contribute to the Attorney General's mission. I encourage all Pierce Law students to take advantage of the terrific opportunities the PIC fellowships provide and I would not hesitate to recommend the Attorney General's Office if you are interested at all in public service.

So, how did *Christian v. Anderson* turn out? On September 14, 2007, Federal District Judge DiClerico ordered summary judgment in favor of the defendant (us) on all federal claims and dismissed her state claims without prejudice due to a lack of jurisdiction. So we'll see. There might just be some interesting work for the next intern. Oh well... As Yogi Berra once said, “It ain't over 'till it's over.”

Prior to attending Pierce Law, Paul worked for eighteen years for Somero Enterprises, Inc., a manufacturer of construction equipment used primarily in the concrete industry. During the summer of 2008, Paul will work for Wiggin & Nourie, P.A., Manchester, NH.

ly moved by Attorney Craft's closing argument came back only twenty minutes later with a guilty verdict. In my twelve weeks with the Federal Public Defender, I saw four similar criminal trials and each ended the same way — with a brief deliberation and a unanimous conviction. The rest of the cases ended in pleas, but the attorneys still faced an upward battle at sentencing.

You would think that the constant defeat would push these attorneys into another type of law. It doesn't. This is a dedicated group — tightly knit, with long tenure, a great sense of humor, and a genuine respect for the people they serve. When things don't go well, they at least have the satisfaction of knowing that they did all they could to give their clients a fair shake. It's a lesson I've taken to heart.

Attorney Craft retired from the Federal Public Defender this past summer, but he hasn't gone far. Though he's left the office, he hasn't left the work. Instead, he's just opened a private practice down the street where he'll continue to take court appointed cases.

Some may be surprised that he didn't get out of the business altogether. After 20 years of service, no one could blame him for leaving the New Orleans criminal justice system, which for indigent defendants at least, seems beyond hope. But I think I understand. From the outside it may not look like much, but it's *home*.

Zeller is the former host and producer of The Front Porch on New Hampshire Public Radio. She recently completed an externship at the New Hampshire Public Defender. She is a member of Pierce Law's Braxton-Craven Constitutional Law Moot Court Team. She plans to work as a summer associate with Orr & Reno, LLP in Concord and then a second externship experience at the New Hampshire Attorney General's Office in the fall. After graduation, Zeller hopes to either stay in New Hampshire or return to New Orleans.

FACES OF THE LAW

BY JACK KENNY



Cathy J. Green JD '77

Devoted Defender

The only lawyer in Cathy Green's family when she was growing up was surely not her role model. "He was my mother's first cousin," she says of the late Roy Cohn, who served at the right hand of Senator Joseph McCarthy during McCarthy's investigations into alleged communists in the U.S. government. Always open to an argument, she invited Cohn to her high school in New York's Westchester County to give a talk about the McCarthy era, but he declined.

Young Miss Green could have used the services of a lawyer herself during her high school days, having once been suspended for wearing slacks instead of a skirt or dress to school. She was suspended at other times for missing school to take part in protests against the Vietnam War. Her eagerness to challenge authority and defend the underdog helped drive her on her chosen career path while attending Trinity College in Hartford, Conn. and Franklin Pierce Law Center in Concord.

"Being a criminal defense lawyer means challenging the establishment and making sure that people who are in power don't abuse that power," she says.

Green, 53, has always ranked high on both state and national rankings of top criminal defense lawyers. She has had a number of high-profile cases and has defended prisoners accused of murder, child pornography, rape and other horrendous crimes. She leaves it to the prosecution to worry that her skills and tenacity as a trial lawyer may result in a predator being turned loose upon society.

"What I worry about at night are innocent people going to jail," she says. Is there any category of the accused she will not defend?

"I'm currently having a debate about whether I should represent someone accused of animal abuse," Green says. "I haven't come to a conclusion about that."



John Perrault JD '79

Laureate Lawyer

A past poet laureate of the Port City, John Perrault has published some 100 to 150 poems and two books of poetry. He began writing in high school and is still composing, in both in traditional forms and free verse, at age 64.

"Whatever's bothering me and won't leave me alone," the Portsmouth attorney says when asked about subjects for his poetry. His early inspiration came from a high school English teacher who managed to get him excited about English poets from the 18th Century to early 19th century romantics like Wordsworth. One might have expected it had been a young lady who first stirred lyrical impulses in the poet's soul.

"Well, there's always a young lady," he says.

In his travels, he has seen some of the places Wordsworth wrote about, including Tintern Abbey in Wales. Closer to home, he has been involved in a visual arts project that has combined poetry and visual imagery in works that now appear in a number of institutions, including City Hall and the District Court in Portsmouth.

Perrault, a North Hampton, NH, resident, has practiced criminal and family-related law in his career, often working with juvenile delinquents. His idea of wise and effective counseling is to direct potential litigants away from court and toward mediation and negotiated settlements. Courtroom battles often leave lasting scars on all sides, he says.

"In ancient, even prehistoric times, people were settling their differences through contests of strength," he notes. "We've come a long way, supposedly." But he still advises people to "Stay out of court as you would stay out of the hospital."

In addition to poetry, Perrault writes musical ballads. He has no plans to retire, however, in order to have more time for writing and composing. "I'm doing that now," he says.



Professor Marcus Hurn

Specialty: The Hard & Weird

Attorney Marcus Hurn knows the King's English. And he knows the king's law as well.

"Most lawyers don't know how to research and interpret English cases," says the erudite professor at Franklin Pierce Law Center in Concord. "I do." Hurn's knowledge of English law came in handy when working on what he calls "a piece of the Tyco case." Tyco was operating under a Bermuda charter and was trying to have the case against it tried under U.S., rather than Bermuda, law. Bermuda, Hurn says, follows British law in many respects, but not entirely.

"I persuaded them that, in fact, they were much better off with Bermuda law," he says. And where did he get his knowledge of English, let alone Bermuda, law?

"I guess it was from when I taught English legal history here in the Eighties," says Hurn, a law professor since 1977 and associate dean at Pierce Law for the last two years. He has an unusual practice in that he mainly works for and gives advice to other lawyers. He was once involved in a huge environmental lawsuit that had more than 100 parties dropping in and out and had become hopelessly complicated.

"The thing was about to break down when the lead counsel hired me to untangle it," he says. A Republican who is more harshly critical of President Bush than most Democrats are, Hurn is a hard man to categorize in either his political leanings or his legal career.

"People ask me what my specialty is and I don't have a normal one," he says. "I've taught 15 different subjects and my usual response is, 'I specialize in hard and weird problems.'" Like the mortgage he designed on a satellite in outer space. "Most bankers shy away from that sort of collateral," he notes.

Reprinted with permission from New Hampshire Magazine, October 2007. Jack Kenny is a freelance writer in Manchester, NH. Photos by John Hession.

HONOR ROLL | Annual Report

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With another strong year of fund raising behind us, we offer sincere thanks to our many supporters this past year (July 1, 2006 to June 30, 2007). Your gifts demonstrate your commitment to Pierce Law, most especially to the work of our students and faculty.

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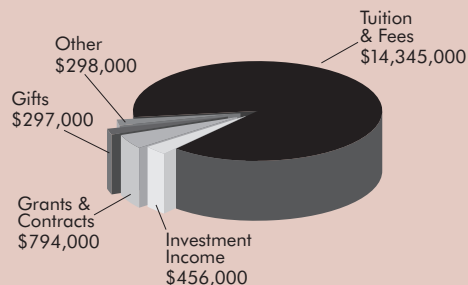
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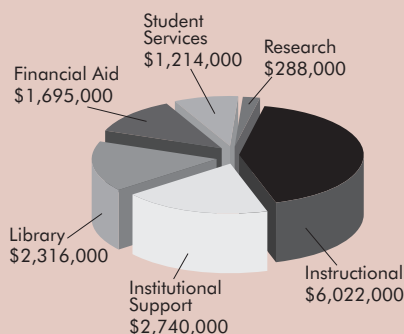
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Michael J. Suneson
Joyce A. Zoldak

CLASS OF 1984

Total Gifts: \$1,953

Class Participation: 11.8%

Anonymous
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Janet F. DeVito
Howard Gross
Anne C. Holihan
Mark R. Kepple
David D. King
John C. Mannix, Jr.
Mark J. Nale
Louis P. Pfeffer
Benette D. Pizzimenti
Stephen A. Rosenbaum
Marguerite P. Wageling
Richard C. Wilder

CLASS OF 1985

Total Gifts: \$2,948

Class Participation: 11.2%

Richard K. Allen
Kent M. Barker
William A. Grimes
Steven Miano
Rosanne Mistretta
Walter T. Ollen
Charles S. Temple
Martha S. Temple
Clyde E. Terry
Royce Vehslage
Patricia A. White Dogan

CLASS OF 1986

Total Gifts: \$8,530

Class Participation: 11.8%

Anonymous (2)
Elaine L. Baillargeon
Quentin J. Blaine
Michael J. Bujold
William W. Cleary
Michael L. Donovan
Norman S. Harrison
William O. Hennessey
R. Scott Patterson
Mary T. Pilkington-Casey
Lauren S. Vallari

CLASS OF 1987

Total Gifts: \$5,335

Class Participation: 10.1%

Joseph C. Borsellino
Steven G. Brown
Steven M. Burke
Patrick C. Dorr
Thomas G. Fallis
Jon S. Hanson
Kevin P. Landry
Jacob M. Levine
Mona T. Movafaghi
Lawrence Rizman
Janet I. Stockhausen
Fredrick M. Zullo

CLASS OF 1988

Total Gifts: \$38,200

Class Participation: 10.4%

Anonymous
Karin A. Gregory
John A. Kostrubanic
Linda D. Kostrubanic
Sarah J. McPartland-Good
Heather W. Merrill
Maria Nutile
Carl W. Potvin
Glenn C. Raiche
Karen H. Springer
Andrew K. Wilson

CLASS OF 1989

Total Gifts: \$1,100

Class Participation: 8.1%

Anonymous
John G. Cronin
Chiara G. Dolcino
Edward M. Gordon
Baidi Gu
Marcia P. McCormack
Alyce T. Moore
Philip H. Von Neida
Husheng Yuan

CLASS OF 1990

Total Gifts: \$2,250

Class Participation: 5.2%

Anonymous
Mark E. Burke
Dominick A. Conde
Kathleen Goulet
Terry W. Kramer
Michelle B. Lando

CLASS OF 1991

Total Gifts: \$34,750

Class Participation: 7.3%

Gerow D. Brill
Lisah K. Carpenter
Moon Yung Chung
Steven A. Fontana
Jeffrey C. Gerson
Peter C. Lando
Maira Notargiacomo
Lee E. Topham
Thomas Q. Tsai
Pauline Newman

CLASS OF 1992

Total Gifts: \$6,585

Class Participation: 7.7%

Earl W. Duval, Jr.
Eileen M. Ebel
Beth V. George
David T. Griffiths
Young Wook Ha
Rebecca M. Harvey
Claire M. Jarvinen
Leigh A. Penfield
Jane H. Seibert
Mary B. Sheffer
John L. Williams

CLASS OF 1993

Total Gifts: \$375

Class Participation: 3.3%

Samuel W. Apicelli
Cristina A. Carvalho
Donald C. Crandlemire
Daryl E. Dayian
Jennifer L. Frizzell

CLASS OF 1994

Total Gifts: \$1,338

Class Participation: 6.5%

Michael D. Atella
David Bailinson
Marie-Helene Bailinson
Julia R. Cohen
Cynthia Dash
Matthew P. Hallisey
Trenton Novak
Bradley J. Olson
Linda A. Theroux
Alan W. Young

CLASS OF 1995

Total Gifts: \$1,700

Class Participation: 5.1%

Anonymous (2)
Kevin J. Carroll
Neil P. Ferraro
Laura M. Holbrook
Cathy Lalor-Lueders
John P. Maldjian
Eugene R. Quinn

HONOR ROLL

CLASS OF 1996

Total Gifts: \$12,945
Class Participation: 7.9%

David E. Belfort
Alan S. Brown
Thomas A. Cawley, Jr.
Jacalyn A. Colburn
Kathleen M. Gersh
Lewis D. Gersh '96
Paula J. Green
Margaret D. Hallyburton
Hampton W. Howard
Ashlyn J. Lembree
Valery Milgrom
Catherine M. Schendel

CLASS OF 1997

Total Gifts: \$3,023
Class Participation: 5.6%

Anonymous
Annalee Abelson
Joshua M. Boisvert
Jeffrey H. Greger
David D. Kalish
Peter R. Munson
Lin B. Olsen
Donald M. Smith
Michael W. Taylor
Robin Wight

CLASS OF 1998

Total Gifts: \$3,600
Class Participation: 6.6%

Anonymous
Christine A. Bailey Alff
Andrew L. Bertrand
James C. Calkins
Sean D. Detweiler
Susan J. Doty
Jeanne P. Herrick
Cheryl A. Landry
Koichiro Minamino
Eaton W. Tarbell, III
Douglas S. Weinstein
Myra V. Zilahy

CLASS OF 1999

Total Gifts: \$2,412
Class Participation: 5.5%

Adam S. Aiken
Brad R. Close
Stephen R. Finch
Christopher I. Halliday
Edward J. Hendrick
Mitsuyoshi Hiratsuka
Frederick J. Kryman, Jr.
Sunny Mulligan Shea
Parker B. Potter
Nancy Tayebi Aiken
Christopher J. Voci
Xiangjing Zhan

CLASS OF 2000

Total Gifts: \$1,270
Class Participation: 2.9%

Holly B. Haines
Michael W. Krenicky
Jason M. Okai
Toshifumi Onuki
Tracy A. Scavarelli
Keisuke Yuzawa

CLASS OF 2001

Total Gifts: \$900
Class Participation: 2.5%

Anonymous
Hongjun Z. Breiner
Shinya Furutani
Thomas J. Krul
Cynthia W. Lewis
Michelle S. Temple

CLASS OF 2002

Total Gifts: \$1,450
Class Participation: 4.4%

Satya P. Arora
Marie S. Conforti
Peter J. Gardner
William R. Lambert
Brien P. Santarlas
Allison M. Tulino
Scott M. Tulino
Laura J. Voyatzis
Adriana L. Zachousky Burgy

CLASS OF 2003

Total Gifts: \$700
Class Participation: 2.4%

Aziz Burgy
Thomas E. Holsten
Vincent Macri
Martha E. Woods Yancey
James H. Yancey, Jr.

CLASS OF 2004

Total Gifts: \$325
Class Participation: 3.9%

Meredith G. Dexter
Matthew J. Fossum
George S. Haight
Kaveh E. Rashidi-Yazd
Laura L. Rashidi-Yazd
Emilie Roth Richardson
William Shaw

CLASS OF 2005

Total Gifts: \$3,851
Class Participation: 8.3%

Anonymous
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Jason E. Johnson
Carley McWhirk
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Katherine J. Morneau
Miguel Oppenheimer Rios
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CLASS OF 2006

Total Gifts: \$460
Class Participation: 3.3%

Shelly Dorn
Brian A. Heyesey
Bonnie A. Howard
Mary L. Krueger
Jamie R. Lynn
Matthew G. Mavrogeorge
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CLASS OF 2007

Total Gifts: \$1,545
Class Participation: 20.7%

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Thank you and best wishes for 2008!

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Code for abbreviations in the Honor Roll

HD Honorary Degree
 JD Juris Doctor
 LLM Master of Laws in
 Intellectual Property,
 Commerce &
 Technology
 MIP Master of Intellectual
 Property, Commerce &
 Technology
 VS Visiting Student

IN THE *GLOBAL* INTEREST

BY DR. STANLEY KOWALSKI '05, VISITING SCHOLAR

Pierce Law Women Advance “Intellectual Property in the Public Interest” in China and Vietnam

Intellectual Property Resource Launched in Beijing, China

Hong Shen LLM '03 of Long An Law Firm, Beijing, helped launch the online version of a new intellectual property resource, entitled *IP Management in Health and Agricultural Innovation: A Handbook of Best Practices* (<http://www.iphandbook.org/>), at the Global Forum for Health Research held recently in Beijing.

Dr. Anatole Krattiger, editor-in-chief of the *Handbook*, said, “The online version of the resource gives us the ability to weave new connections and pursue new directions. The global intellectual property revolution, increasingly led by the public sector, is just beginning. It amplifies the important contribution of sound intellectual property management and how the public sector can put intellectual property to work for a better, healthier, and more equitable world.” A research professor at the Bidesign Institute at Arizona State University, Krattiger is a member of Pierce Law’s Advisory Council on Intellectual Property (ACIP).



Dr. Anatole Krattiger



Hong Shen LLM '03

Shen delivered an address entitled “What the Handbook Means for a Practicing Lawyer in China.” She commented that “As a former student of Pierce Law and as a legal professional in China, I know how important the *Handbook* and *Executive Guide* are to the development of China. These books will be very helpful to developing countries, including China, and provide a tool to educate policy makers, universities, innovators and legal professionals on how to manage intellectual property.”

Intellectual Property Workshop in Vietnam

Two Pierce Law graduates were featured speakers at an intellectual property workshop held in Hanoi, Vietnam in November. Attended by 80 scientists and administrators from over 30 public research institutions across Vietnam, the workshop was organized by the Public Intellectual Property Resource for Agriculture (PIPRA), in collaboration with Vietnam's National Office of Intellectual Property and the Ministry of Agriculture and Rural Development.



Pictured at the intellectual property workshop in Hanoi are: (l.-rt.) Linh Thi Mai Nguyen LLM '07, legal program officer for STAR Vietnam, a USAID-funded project, Hanoi; Dr. Le Thi Thu Hien of the Institute of Biotechnology Vietnamese Academy of Science and Technology; Nguyen Nguyet Dung MIP '05, Vision & Associates, Hanoi; and Dr. Cecilia Chi-Ham, director of biotechnology resources at the Public Intellectual Property Resource for Agriculture (PIPRA).

Nguyen Nguyet Dung MIP '05 of Vision & Associates, Hanoi, discussed the role of patent attorneys in establishing patent protection and Nguyen Mai Linh LLM '07, legal program officer for STAR Vietnam (Support for Trade Acceleration Project), a USAID-funded project, spoke about licensing and material transfer agreements. Other speakers included: Le Thi Thu Hien of the Institute of Biotechnology, Hanoi, who spoke about intellectual property management and freedom to operate; and Cecilia Chi-Ham, director of biotechnology resources at PIPRA and frequent collaborator with Pierce Law Professor Jon Cavicchi as part of his course on Intellectual Property Research Tools and Strategies.

The workshop also provided an overview of local intellectual property in agricultural biotechnology and identified intellectual property issues to be considered in the future. Vietnamese participants offered recommendations to develop specific web-based tools supporting intellectual property management and decision-making. The workshop is part of a three-year program that PIPRA, with support from the Sasakawa Peace Foundation, is currently working on to develop human resources in intellectual property management at public research institutions in Southeast Asia, with an initial focus on Vietnam. The program's main goal is to offer Vietnamese research institutions and universities intellectual property resources for the management and commercialization of agricultural technologies. For additional information, visit www.pipra.org.

Students Form New International Intellectual Property Organization (IIPO)

Pierce Law students recently formed a new student organization, International Intellectual Property Organization (IIPO), dedicated to educating the student body on the role of intellectual property in our global society, how nations around the world strive to protect intellectual property rights, and how intellectual property affects the quality of life and economies of those countries.

IIPO will help to promote the study and understanding of international intellectual property; provide a forum where students from a variety of geographical backgrounds can share their perspectives and experiences with intellectual property law; analyze the similarities and differences between the varying intellectual property regulations found in countries across the globe; and discuss the socioeconomic impact these regulations have on populations in both developing and developed countries.

Officers for the 2007-8 are Alexandros Diamantis '09, president, Anne St. Martin '09, vice president, Constance Rogers '09, secretary and Alberto Interian JD '09, treasurer.

Building Renovations

Pierce Law's New Look

Major renovation projects at Pierce Law began immediately following commencement, with most of the work completed by August and ready to welcome new and returning classes.

Frank H. Lemay PE, president of Milestone Engineering & Construction, Inc., Concord, served as the contractor and Duene Cowan of DC Designs, Concord, NH, was the project architect. The renovations addressed Pierce Law's critical need for new and improved classrooms, more study and event space, and additional areas for library collection, growth and expansion. To date, the following improvements have been completed:

- new 80-person classroom
- renovation of Room 229, with improved technological capabilities
- new board/meeting room on the main floor
- additional compact shelving on first floor, offering over 12,000 additional linear feet of shelving
- additional study area on first floor of the library, including a small cafe area and new computer lab
- new IT space on the third floor
- 3,600 square foot expansion of the third floor library
- nine new faculty offices
- three new co-curricular spaces for student organizations
- new card-swipe security system for the exterior doors

Renovations to the main reception area will begin in the spring of 2008.



New study area in library first floor



A view of the bookcases in the new wood-paneled board/meeting room



The windows of the new board/meeting room overlook White Park



High technology was added to renovated Room 229

New Faculty Announced



J. Jeffrey Hawley

Dean John D. Hutson recently announced the appointment of several new members to the faculty of Pierce Law. They are J. Jeffrey Hawley of Punta Gorda, FL, Ann M. McCrackin of Orono, MN, and Kathleen M. Mangold-Spoto of Hampton Falls, NH.

Former legal division vice president and director, Patent Legal Staff at Eastman Kodak Company, Rochester, NY, Hawley taught this fall as a distinguished visiting professor of patents. Hawley began his 37-year career at Kodak in 1969 as a chemical engineer. In 1974, he was transferred to Kodak's Patent Department and attended George Washington University National Law Center. He served a variety of roles at Kodak. In 1989, he was named group patent counsel of the Patent Legal Staff Health Group and assistant general counsel of Patent Legal Staff in 1996. In December of 2006, he joined Nixon Peabody LLP, Manchester, NH. Hawley has testified before the United States Congress on patent



Ann M. McCrackin JD '97

reform issues and has been involved with leading patent reform internationally in Europe and Japan. He served as president of several intellectual property organizations, including the Rochester Intellectual Property Law Association, the Pacific Intellectual Property Association and the Intellectual Property Owners Association where he remains on the Board of Directors.

An emeritus member of the Association of Corporate Patent Counsel, Hawley is a member of Pierce Law's Advisory Council on Intellectual Property, the American Intellectual Property Law Association and the United States Group of AIPPI. He also serves on the Board of Directors of the National Inventors Hall of Fame.

A 1997 graduate of Pierce Law, McCrackin joins the intellectual property faculty, responsible for teaching Patent Practice I and II. A registered patent attorney, McCrackin is currently a



Kathleen M. Mangold-Spoto

shareholder of Schwegman, Lundberg, Woessner in Minneapolis, MN. Her practice focuses on computer architecture, software, and business methods, and she specializes in international patent protection and reexamination. McCrackin is co-editor and contributing author for *Electronic and Software Patents: Law and Practice*, a treatise published by BNA Books, and co-author of the *AUTM Technology Transfer Practice Manual*. In addition, she co-wrote *Electronic and Software Patents: Law and Practice* and lectures throughout the United States on various patent prosecution topics. In 2002, she was named a "Rising Star" by the *Minnesota Law & Politics* magazine. She is a member of the American Intellectual Property Law Association and Licensing Executives Society. She earned her BS degree in speech communication with a minor in computer science and English with a technical writing emphasis from Iowa State University.

Kathleen Mangold-Spoto teaches legal writing at Pierce Law. Prior to coming to Pierce Law, she taught legal writing at the University of Maine School of Law, DePaul University College of Law, and Northern Illinois University College of Law. Before she began teaching, Mangold-Spoto practiced law for 15 years as a civil rights attorney. Her area of expertise is constitutional rights litigation, with a primary focus on school issues relating to racial segregation and educational equity. She is a former partner of the Chicago law firm of Futterman & Howard, where she is currently of counsel. Following graduation from Loyola University of Chicago School of Law in 1986, Mangold-Spoto served as a judicial clerk for Judge Stanley J. Roszkowski of the United States District Court, Northern District of Illinois. Mangold-Spoto earned a BA degree in English and American literature from the University of Illinois, Champaign-Urbana. She is the author of *Third Party Challenges to Desegregation Remedies*, 15 Civ. Rights Litig. and Att. Fees Annual Handbook 17-1 (1999).

Professor Karl Jorda Inducted into The IP Hall of Fame



Professor Karl F. Jorda

Professor Karl F. Jorda is one of nine individuals recently inducted into the Intellectual Property Hall of Fame. He was chosen from a field of over 300

nominations solicited from members of the global intellectual property community.

The Intellectual Property Hall of Fame was established in 2005 by *Intellectual Asset Management* magazine and is designed to honor those who have made an outstanding contribution to the development of intellectual property law and practice, thereby helping to establish intellectual property as one of the key business assets of the 21st century.

Former chief intellectual property counsel at CIBA-GEIGY Corporation (Novartis) for 26 years, Jorda joined Pierce Law 1989. He serves as director of Pierce Law's Germeshausen Center for the Law of Innovation and Entrepreneurship. He lectures frequently throughout the United States and abroad and is a consultant to the Indonesian Patent Office and the World Intellectual Property Organization. He

was awarded the 1996 Jefferson Medal, the highest American award in the field of intellectual property and the PIPA Medal (1989) for "Outstanding Contributions to International Cooperation in the Intellectual Property Field." He is the past president of the New York Intellectual Property Association and the

Pacific Intellectual Property Association (PIPA).

Also included among the 2007 list of inductees is The Honorable Pauline Newman, a Pierce Law honorary degree recipient and Gerald Mossinghoff, a former trustee and adjunct professor at Pierce Law.

Professor John B. Garvey Selected for Carnegie Foundation Initiative

Professor John B. Garvey was recently invited to join a new legal education initiative on the future of law school curricula organized by the Carnegie Foundation for the Advancement of Teaching and Stanford Law School.

Garvey is one of only about a dozen individuals from throughout the United States to be asked to participate, together with representatives from 10 law schools. Invitations were extended to persons who are leaders in legal education generally and who have written and/or thought about the future of law school curriculum and pedagogy. Garvey is the director of the Daniel Webster Scholar Honors Program at Pierce Law, which is a first-in-the-nation comprehensive practice-based teaching and bar licensing program designed to make law students client-ready.



Professor John B. Garvey

The Carnegie Foundation has a long tradition of examining professional education, and the Foundation's recent study, *Educating Lawyers*, has generated a great deal of national attention on law school curriculum and pedagogy. The goal of the new initiative is to issue a report that will have a deep impact on how law schools educate their students and to help stimulate sensible reforms that build on curricular successes but recognize the potential for improvements.

Students Reach Quarterfinals at 19th National Criminal Procedure Moot Court Competition

Pierce Law's moot court team of Adam Muller '08 of West Palm Beach, FL, and Dan Dargon '08 of Concord, NH, advanced to the quarterfinals at the National Criminal Procedure Moot Court Competition held this month at the University of San Diego School of Law.

Muller and Dargon participated in four rounds of arguments with 41 teams.

Muller won "Best Individual Oralist" among a field of 84 competitors. This was the first year Pierce Law participated in the competition.

The competition is sponsored by the University of San Diego School of Law.

This year's competition focused on a two-part criminal procedure problem

Professor Receives Fellowship from the National Institute for Teaching Ethics and Professionalism



Professor Mitchell Simon

Professor Mitchell Simon, senior scholar at Pierce Law's Institute for Health, Law and Ethics, was recently awarded a fellowship from the National Institute for Teaching Ethics and Professionalism (NIFTEP). The fellowship provided Simon the opportunity to attend the Institute's annual workshop in Atlanta, GA, which brings together leading academics and practitioners involved in promoting the teaching of ethics and professionalism.

The National Institute for Teaching Ethics and Professionalism (NIFTEP) was established in 2005 as a consortium of five nationally recognized centers on ethics and professionalism. They include: The Louis Stein Center for Law & Ethics at Fordham University, The Mercer University School of Law Center for Legal Ethics and Professionalism, The Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina, The Stanford Center on Ethics and The W. Lee Burge Endowment for Law & Ethics at Georgia State University. NIFTEP is sponsored by the American Bar Association Standing Committee on Professionalism and the Georgia Chief Justice's Commission on Professionalism Attendance at the work is limited to invited fellows.

Faculty Members Promoted



Professor Margaret Sova-McCabe

Dean John D. Hutson recently announced the promotion of two part-time faculty members to full-time positions as professors of legal skills at Pierce Law. They are Margaret Sova McCabe of Sanborton, NH, and Amy Vorenberg of Concord, NH.

A member of the faculty since 2001, McCabe teaches legal writing and legal skills. Her experience includes five years in government practice at the New Hampshire Department of Safety, Office of the Commissioner, as well as general practice at Fitzgerald & Sessler, PA, Laconia, NH. She served as vice-chair of the American Association of Motor Vehicle Administrators Legal Services Committee and provided guidance to states on driver record privacy, low speed vehicle regulation, and e-government issues. McCabe, who has taught Food Law at Pierce Law, recently wrote an article for publication in *The Journal*



Professor Amy Vorenberg

of *Food Law and Policy*. McCabe holds a BA from Bard College and JD from the University of Maine School of Law.

Prior to joining Pierce Law, Vorenberg worked for six years as an assistant district attorney in New York City and three years as an assistant attorney general in New Hampshire. In addition to teaching legal skills, her experience at Pierce Law includes four years as director of the Criminal Practice Clinic from 1993 to 1997. Vorenberg serves as an assistant chair of the New Hampshire Adult Parole Board. She earned a BA degree at Hamilton College and JD at Northeastern University. Vorenberg and McCabe, who have co-authored several articles for *New Hampshire Bar News*, are currently co-writing an article connecting legal writing instruction to the demands of the profession.



Pierce Law students have numerous opportunities to meet presidential candidates and attend campaign events prior to New Hampshire's first-in-the-nation primary. Pictured (l. to rt.) at a December rally are Chibuzo Okafo '10, Megan Yapple '09, Tyler Obenauf '09 and Amy Christensen '09.

First Douglas J. Wood Chairman's Scholarships for Academic Excellence



*Pictured with Douglas J. Wood '76, chair of the Board of Trustees are eight of the recipients: **first row:** Rebecca Cotterell '08 of Yardley, PA and Peter Keane '08 of Newark, DE; **second row:** Jill Corey '09 of Charlton, MA and Lauren Crisera '08 of Idaho Falls, ID; **third row:** Krum Chuchev '09 of Laconia, NH; Adam Rick '09 of Wentworth, NH and Jason Dorsky '09 of Hingham, MA; **fourth row:** Megan Yaple '09 of San Diego, CA and Joseph Mattson '09 of Center Harbor, NH.*

Pierce Law recently awarded its first Douglas J. Wood Chairman's Scholarships for academic excellence to thirteen students. The Wood Scholarship fund was established in 2006 with a gift of \$600,000 from Douglas J. Wood, a 1976 Pierce Law alumnus. Wood's donation was made possible by a gift he received from his client, Phillips Beverage Company, for his distinguished service to the company. Wood donated the major portion of the gift to

Pierce Law to establish the Douglas J. Wood Chairman's Scholarship Fund.

Wood Scholars are selected from the second- and third-year classes and must demonstrate academic excellence, keen writing ability, service to the law school, and have not otherwise received merit scholarships.

This year's scholarship recipients are: Krum Chuchev '09 of Laconia, NH; Jill Corey '09 of Charlton, MA; Rebecca Cotterell '08 of Yardley, PA;

Lauren Crisera '08 of Idaho Falls, ID; Kevin DeJong '09 of Lebanon, NH; Jason Dorsky '09 of Hingham, MA; Peter Keane '08 of Newark, DE; Joseph Mattson '09 of Center Harbor, NH; Alexander Meagher '08 of Jackson, ME; Cynthia Mosseau '08 of Plattsburg, NY; Austin Padgett '09 of Milton, FL; Adam Rick '09 of Wentworth, NH; and Megan Yaple '09 of San Diego, CA.

Student Wins National Disability Law Writing Competition

Krum Chuchev '09 of Laconia, NH, won first place in the law practice category of The Adam A. Milani Disability Law Writing Competition. The national writing competition is sponsored by the Mercer University School of Law and the American Bar Commission on Mental and Physical Disability Law.

The competition invites submissions in two categories, the essay category and the law practice category. Chuchev's law practice submission included an appellate brief regarding an issue of the American with Disabilities Act.

Chuchev holds a PhD in physical chemistry from Dartmouth College and BS and MS degrees from Sophia University, Sophia, Bulgaria. While at Dartmouth, he served as a research assistant in the Nanomaterials Program and taught senior level physical chemistry courses. He is a 2007 recipient of one of Pierce Law's Douglas J. Wood Chairman's Scholarships for academic achievement.

Alumni Appointed New Hampshire Superior Court Judges

The gubernatorial appointments of Kenneth Brown JD '78 of Manchester, NH, and Diane Nicolosi JD '86 of Concord, NH, as New Hampshire Superior Court judges were recently confirmed by the state's Executive Council. Brown is a litigator and founding partner of Abramson, Brown and Dugan in Manchester and Nicolosi, a former prosecutor, is currently a marital master.

Brown has been in private practice for nearly 30 years. He is the former president of both the Manchester Bar Association and the New Hampshire Trial Lawyers Association. He served as a

Bedford town councilor from 1983 through 1986 and is currently chair of the New Hampshire Human Rights Commission. Brown earned a BA degree from the University of New Hampshire in 1975. He is currently a member of Pierce Law's Board of Trustees.

Nicolosi currently serves as a marital master in the Family Court Division of the New Hampshire Judicial System. She joined the New Hampshire Attorney General's Office in 1987, where she served in the Criminal Bureau, as well as the Transportation and Construction Bureau. Nicolosi

was one of the prosecutors in the Pamela Smart murder trial. She opened her own law firm in 1998. She was appointed a marital master in

May 2006. She earned a BA in psychology from the University of New Hampshire in 1980.

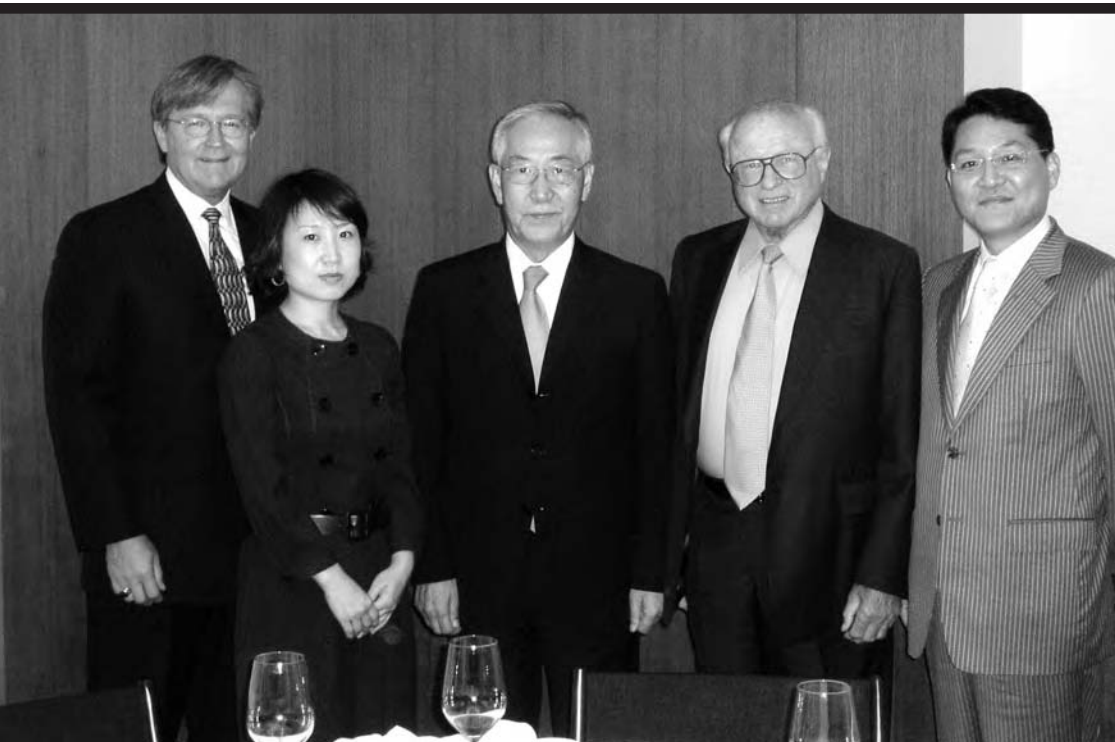
Pierce Law to Share Major Grant Award to Develop Universal Search Engine for Law Libraries

An idea that was the brainchild of librarians at Pierce Law has resulted in a major grant for the 101 libraries that belong to the New England Law Library Consortium (NELLCO). NELLCO, a non-profit organization of libraries in the United States, Canada

and the United Kingdom, will share an award of \$354,150.00 to aid in funding a two-year project to develop a universal search solution.

The grant was awarded by the Institute of Museum and Library Services (IMLS), under the direction of the IMLS National Leadership Grants program. It will provide funding for researching a universal search solution that will be based on open standards and open source software and will result in the creation of a physical master index of material, including library catalogs, subscription-based databases, open content, special collections and other resources of participating libraries.

Pierce Law Library Director Judith Gire charged her staff with finding the best federated search tool to meet these needs. Finding most of them flawed, the staff envisioned a different approach and recommended that NELLCO harness the consortium's resources to explore an alternative solution.



Pierce Law Dean John D. Hutson (far left) and Professor Karl F. Jorda (second from right) met with Pierce Law honorary degree recipient Chulsu Kim (center) senior advisor at Lee International IP and Law Group in Seoul, Korea this fall. Also pictured are Soon-ja Bae and Terry Taehong Kim who also work at the firm.

FACULTY IN ACTION

Around the Globe

Trustee Gordon Smith recently completed a research project for Intellectual Property Academy entitled, "A Study of Intangible Asset Valuation in Singapore: Issues and Opportunities for Singapore's Businesses." He also accepted a post as a distinguished visitor at National University of Singapore (NUS) Law School and will teach a course in intellectual property valuation in January.



Trustee Gordon Smith

Professor Mary W. S. Wong spoke at the 2nd Internet Governance Forum (IGF), held under the auspices of the United Nations, in November in Rio de Janeiro, Brazil. Wong has been working with a coalition of NGOs and industry representatives on access to knowledge, and presented a workshop on that theme and on best practices regarding implementation of copyright obligations in United States free trade agreements. Nicholas Barnes JD '07 and Mike Bartley JD/MIP '08 have assisted Wong with this research.

Across the Nation

Professor Jordan Budd was appointed legal director of the New Hampshire Civil Liberties Union Foundation and will assist the full-time staff attorney in strategizing about civil rights and civil liberties litigation in New Hampshire as well as provide input regarding the administrative aspects of the non-profit's law practice.

Thomas Bunnell, director of the Institute for Health, Law and Ethics (IHLE), was appointed by the Governor to New Hampshire's State Coverage Initiative (SCI) team. The SCI team is charged with developing sensible and affordable health insurance coverage reform and expansion options for New Hampshire residents.

A new edition of *Fundamentals of Intellectual Property* by **Professor Thomas G. Field Jr.** is now available. The complete 468-page text (14MB) can be downloaded from www.piercelaw.edu/TFIELD/funIPbk.pdf. Printed and bound copies are also available.

Professor John B. Garvey, director of Daniel Webster Scholars Honors Program, was selected for inclusion in the 25th anniversary edition of *The Best Lawyers in America*. Selection to *Best Lawyers* is based on a rigorous peer review survey of more than two million of the nation's top attorneys. Garvey is among the 13,000 attorneys chosen and was selected



Professor Jordan Budd

for the specialties of alternative dispute resolution and personal injury litigation.

Dean John D. Hutson testified at the Senate Committee on the Judiciary regarding the nomination of Michael B. Mukasey to be attorney general of the United States in October. He also presented a talk on "How to 'win' the war on Terrorism," as a guest of the American Constitution Society at Stanford University Law School.

In September, **Professor Karl Jorda** gave an encore presentation on "Intensive Patent Valuation" at an Intellectual Property Finance and Valuation Seminar of IncreMental Advantage held at the Harmonie Club in New York, NY. In October, he was inducted in the Intellectual Property Hall of Fame during special ceremonies held in Chicago.

Professor Ann McCrackin spoke at conference of the American Intellectual Property Law Association on "The LabCorp Dissent and the Federal Circuit's Patent Eligibility Decisions," as part of a panel on patentable

subject matter. Her fellow panelists included Chief Judge Paul Michel, Steve Kunin, and United States Patent and Trademark Office representatives.

Associate Dean Susan Richey and **Professor Mary W. S. Wong** attended the 7th Annual Intellectual Property Scholars Conference at DePaul College of Law in Chicago, IL. Richey presented a talk on "Category Theory Applied to Trademark Law: Cognitive Economy as the Paramount Goal in Genericism Cases." Wong lectured on "When User-Generated Content is Transformative: Some Thoughts on Authorship, Fair Use and Derivative Works."

In September, **Professor Albert "Buzz" Scherr** offered a presentation to the New Hampshire Public Defender Program on "Ethics in a Less-Than-Perfect World: Managing Witnesses in Sexual Assault Cases." He also presented a lecture on "Genetic Databases: The Next New Thing in Governmental Identification Systems" at the national American Civil Liberties Union and New Hampshire Civil Liberties Union conference on "Real ID: What's Next?" Other invited speakers included United States Senator John E. Sununu and several New Hampshire legislative and executive officials.

CAREER SERVICES

BY MARY SHEFFER JD '92, ASSISTANT DEAN OF CAREER SERVICES

As always, we in Career Services want to thank you, for the good work you do that continually broadens and enhances Pierce Law's reputation, paving the way for the new graduates.

Below, you will find a few of the resources that are available to you through the Career Services Office.

www.piercelawjobs.com

This database contains job listings for Pierce Law alumni. The system is password-protected, but as a Pierce Law graduate, you may self-assign your own username and password. Once you have done so, you must go back to the homepage and enter your new username and password in order to access the job listings. Alumni who graduated in 2007 do not need to change their username and password to access piercelawjobs.com. All other graduates who have not signed up previously need to self-assign a username and password.

If you currently have an alumni account, but cannot remember your password, please send an email to careerservices@piercelaw.edu to request assistance.

Law School Exchange of Job Listings and Newsletters—BYU Intercollegiate Job Bank

Law schools in almost all 50 states list their job postings on this website. The site is exclusively for alumni from the participating law schools. A link to the Intercollegiate Job Bank is on the alumni pages at www.piercelawjobs.com. *Please contact Career Services for a password.*

Government Honors and Internship Handbook

The Government Honors and Internship Handbook is a comprehensive resource for researching federal, state and local government sector employment opportunities, both for summer internships during law school and permanent employment after graduation. Representative federal agencies in the handbook include the CDC, CIA, EEOC, EPA, FBI, FCC, FDIC, FEMA, IRS, U.S. Departments of Commerce, Defense, Education, Energy, Health and Human Services, HUD, Interior, Justice, Labor, State, Transportation, Treasury, and many more. A link to the *Handbook* is located on the alumni pages at www.piercelawjobs.com. *Please contact Career Services for a password.*

Reciprocity

Pierce Law cooperates and participates with ABA-accredited National Association for Law Placement member law schools across the country to aid and assist in the job search process. Pierce Law graduates can request reciprocal privileges that may be available from other law school career development offices. Please contact the Career Services Office to request reciprocity. *It should be noted that many schools close reciprocity during the busy fall on-campus interview season, typically August 1 through mid-November.*

Legal Search and Placement Agencies

Engaging a legal search firm can make sense, especially for alumni with five or more years of experience. For a partial listing of legal recruiters, visit www.lawjobs.com/recruiter_directory.asp. The National Association of Legal Search (NALSC) Consultants also posts a list of its members at www.nalsc.org. Recruiters/consultants that join NALSC must comply with the Code of Ethics promulgated by the association.

ALUMNI OFFICE NEWS

Supporting Global Alumni Networks and Alumni Relationships that Last a Lifetime

BY LAURA S. CHANEY, DIRECTOR OF ALUMNI RELATIONS

Best wishes to you for 2008! We look forward to new and renewed opportunities for alumni networking and events. Thank you for the generous ways you have provided support to Pierce Law in 2007; from hosting alumni events to assisting career services to investing your financial resources and expertise — alumni play a critical role in enriching and advancing our school. Your partnership is deeply appreciated. We invite you to visit the alumni web pages often to see what is happening in your area and on campus, www.piercelaw.edu/alumni.

Alumni Online Community

Register today at www.piercelaw.onlinecommunity.com. Join over 1,440 alumni members currently registered. Create a business card for networking. Update your profile. Fellow alumni want to find you! We are in the process of improving the capacity of our alumni online community. Watch for announcements.

Photo Gallery

This issue's photo gallery highlights alumni receptions in Washington, DC, Albuquerque, NM, Beijing, China, Mountain View, CA, Providence, RI, and Mexico City, Mexico.

Not pictured are receptions in: Tokyo, Japan, hosted by Mitsuyoshi "Mitty" Hiratsuka MIP '99; Seoul, Korea, hosted by Trustee Young Wook Ha JD/MIP '92; Los Angeles, CA, hosted by Jeffrey Kobulnick JD '93 and Professor Ellen Musinsky; New York City, hosted by Ambre Brandis JD '05; and Cartagena, Columbia hosted by Trustees Douglas J. Wood JD '76 of Wyckoff, NJ, and Gloria Isla MIP '88 of Mexico City, Mexico, Professor Karl F. Jorda and Director of Graduate Programs Debra Beauregard, held in association with the annual meeting of the Asociación Interamericana de la Propiedad Intelectual (ASIPI). Thank you for your leadership and generosity in making possible these alumni networking and social events.

Washington, DC

Sixty alumni and friends gathered in Adams Morgan at the LeftBank restaurant for our annual reception for alumni and friends, held in association with the American Intellectual Property Law Association (AIPLA) annual meeting.

Albuquerque, NM

Dean John D. Hutson and Director of Development Gayle W. Mazalewski met alumni for dinner in Albuquerque.

Beijing, China

Shen Hong LLM '03 helped organize an opening dinner for Pierce Law's Intellectual Property Summer Institute in China (CHIPSI), held at Beijing's Tsinghua University School of Law. In attendance were: 22 Chinese alumni from Concord; two U.S. alumni from CHIPSI working in Beijing; 21 new CHIPSI students from the U.S.; eight CHIPSI students from China; and Pierce Law Professors Mary W. S. Wong and William O. Hennessey, and Professor Cui of Tsinghua University.

Mountain View, CA

Rajiv Patel JD/MIP '95 hosted an alumni reception at the offices of Fenwick & West.

Providence, RI

Rhode Island Senator Paul Jabour JD '81 and Speaker of the House William J. Murphy JD '89 hosted a reception in the House Lounge of the Rhode Island State House.

Mexico City, Mexico

The first formal reunion of the Pierce Law alumni from Mexico was attended by alumni from classes of 1988 to 2006. All shared their experiences and anecdotes about living in "Metropolitan Concord."

Alumni Chapters

Thank you to Trustee Gloria Isla MIP '88 of Mexico City, Mexico for leading efforts to formalize the Mexico Alumni Chapter. In addition to supporting the alumni network, the principal interest of the chapter is to promote Pierce Law to future students and to increase the importance and knowledge of intellectual property. With the help of its officers, the Mexico Alumni Chapter is actively planning activities in their country.

If you are interested in organizing a regional chapter, please contact alumni@piercelaw.edu.

ALUMNI OFFICE NEWS



Washington, DC Reception

1. Thomas Druan JD '07, Kate Winstanley JD/MIP '07, Brian McKnight JD '07
2. Brad Close JD/MIP '99, Miguel DuPuy LLM '97
3. Andrea Leczynski '08, Jeffrey Salomon '08, Stephanie Stella '08
4. Daryl Jackson JD '07, James Kevin McIntyre JD '07

Albuquerque, NM Reception

Left to right: Dean Alexis JD '77, Michael 'Hooter' Hacker JD '89, Mark Donatelli JD '76, Dean John D. Hutson, Richard Sharpiro JD '77



ALUMNI OFFICE NEWS

Beijing Reception

1. Richard Benavidaz '08, Guariglia Francesca, Constance Rogers '09, Timothy McNamara '09
2. Li Zheng MIP '99, Hong Shen LLM '03, Jia "Jane" Ma LLM '00, Xiaoguang Cui MIP '99
3. Wensheng Wang LLM '04, Xiangjing Zhan MIP '99



Stay Connected

Update your contact information online at www.piercelaw.edu/alumni. Click on "Alumni Contact Update Form."



Host an Alumni Event

Contact the Office of Alumni Relations if you would like information about hosting an alumni event in your area. Email alumni@piercelaw.edu or call (603) 513-5181.

ALUMNI OFFICE NEWS



Save the Date – March 20, 2008

The 16th Annual Public Interest Coalition (PIC) Auction to raise funds to provide fellowships to Pierce Law students working in public interest positions during the summer will be held on Friday, March 20.

Visit www.piercelaw.edu/auction for information on how you can be part of this fun fundraising effort.

Mountain View, CA Reception

1. William Lambert JD '02, Matthew Forkner JD '04, Evan Bennett JD '03, Dean John D. Hutson
2. Mechelle Lopez Reed JD '01, Rajiv Patel JD/MIP '95, Jon-Michael Burbage JD '07
3. Ming-Hsiu 'Michelle' Hsu MIP '07, wife of Hiroyuki Ida, Hiroyuki Ida MIP '07, Jaya Murthy Josyula MIP '07

ALUMNI OFFICE NEWS



Providence, RI Reception

1. Lauren Hanke Verni JD/MIP '02, Christopher Verni JD '02
2. Dean John D. Hutson, Justice Michael B. Forte JD '77, Senator Paul V. Jabour II JD '81, Speaker William J. Murphy JD '89



Alumni gathered in Mexico City for a reception hosted by trustee Gloria Isla MIP '88. Seated (l. to rt.): Emmanuel Villacana MIP '95, Luis Schmidt Ruiz del Moral MIP '90, Sergio Olivares MIP '93, Cecilia Rodriguez MIP '94, Irma Herrera-Pena MIP '01, Maria Vianey Romo de Vivar Gutierrez LLM '06, Bernardo Fernandez del Castillo LLM '05, Manuel Marquez MIP '91. Standing (l. to rt.): Jesus Mejia MIP '92, Alejandro Luna LLM '02, Gloria G. Isla MIP '88, Jose Juan Mendez MIP '95, Annel Yaspik Serio MIP '05, Lorenia Espinosa LLM '00, Carlos Fuentes LLM '06.

Spam Blockers

To help prevent your employer from blocking emails from "Pierce Law Alumni Office," alumni@piercelaw.edu, please add the piercelaw.edu domain to your email address books.

CLASS ACTIONS

1970s

Joseph P. Infranco JD '77, Scottsdale, AZ, is senior counsel at the Alliance Defense Fund, a nonprofit public interest firm. He oversees a network of attorneys who commit 450 hours of pro bono work defending cases involving religious freedom and church/state issues.

Stephen B. Ravin JD '77 recently joined Forman Holt Eliades & Ravin LLC, a bankruptcy firm based in Rochelle Park, NJ.

Alice B. Chamberlin JD '78 was named co-chair of Environmental Leaders for Hillary by the Hillary Clinton campaign.

Nicholas J. Harding JD '78 was recently listed as a "notable practitioner" by Chambers and Partners, publisher of guides listing the top lawyers and law firms in 175 countries. A member of the Environmental Practice Group at Reid and Riege, Hartford, CT, he was recognized as "a fearless and interestingly creative litigator."

Steven M. Latici JD '78 recently opened a private practice in Gilmanton, NH.

Thomas R. Watson JD '78 received the New Hampshire Trial Lawyers Association (NHTLA) 2007 President's Award. Watson, who has received the NHTLA President's Award three times, also received NHTLA 2006 Board of Governors Award.

Patrick L. Carroll JD '79, Milford, CT, was promoted to deputy chief court administrator

James F. Elliott JD '79 recently accepted the post of deputy workers' compensation commissioner in Des Moines, Iowa.

Joseph W. Geldhof JD '79 of Juneau, AK, has been named chief counsel of the Marine Engineers' Beneficial Association, District 1 (PCD), AFL-CIO, an international maritime union based in the District of Columbia. Geldhof's primary station will be Washington, DC, but he will remain a resident of Alaska and will maintain a limited law practice in Juneau.

1980s

Lawrence A. Casha JD '80, Kinnelon, NJ, has been nominated to serve two two-year terms for 26th District Assembly.

Pilar P. Silva JD '80, Concord, NH, recently retired from her position in the graduate program offices at Pierce Law.

Beth L. Polner Abrahams JD '81 is in private practice in Oyster Bay, NY.

Katharine A. Daly JD '81, Dunbarton, NH, recently retired from her position as executive director of the New Hampshire Commission for Human Rights.

John P. McGann JD '82, Canton, MA, was recently appointed to the Advisory Board of Council on Ethical

Billing. He currently serves as vice president, claims legal services, for OneBeacon Insurance.

Mark Beliveau JD '83 of Portsmouth, NH, was recently selected by his peers for inclusion in *Best Lawyers in America* 2008. He was recognized for his work in environmental law at Pierce Atwood LLP.



Mark Beliveau JD '83

Steven B. Scudder JD '83, Concord, NH, received the William Reece Smith, Jr. Special Services to Pro Bono Award in April 2007, from the National Association of Pro Bono Professionals (NAPBPro.). In his nominating letter, Anthony H. Rarash, director of the ABA Center for Pro Bono, said of Scudder: "Steve has dedicated his career to the delivery of legal services to the poor and to helping, supporting and mentoring thousands of pro bono program managers, bar leaders and volunteer attorneys, paralegals and law students and faculty who comprise the national, state and local pro bono movement in America."

Richard C. Wilder JD '84, Washington, DC, recently accepted a new position as associate general counsel for intellectual property for Microsoft.

Christopher L. Irving JD '85 was recently promoted to assistant vice president, consumer, government and legal affairs, for Publishers Clearing House, Port Washington, NY.

Steven T. Miano JD '85, Wyncote, PA has been appointed to Executive Committee of American Bar Association Environmental Section.

John P. Murphy JD '85, Kittery, ME, recently completed the United States Marine Corps Marathon held in Washington, DC, running on behalf of the Injured Marine Semper Fi Fund, a charity that supports marines wounded in Iraq and elsewhere.

Clyde E. Terry JD '85 is a recipient of the *Business NH Magazine* Leader of Year 2007 Award.

Cathy P. Chesley JD '87, Contoocook, NH, is retiring as founding educator and director of the Hopkinton Independent School after 20 years of service.

Eugene J. Kelly Jr. JD '88, Averill Park, NY, was recently named Region 4 director of of the New York State Department of Environmental Conservation. He is a lieutenant colonel in the United State Marine Corps Reserve, where he is an environmental law judge advocate advising on compliance with environmental and land use issues.

Maria Nutile JD '88, Henderson, NV, recently joined Hale Lane, Las Vegas, as partner. Nutile leads the firm's statewide healthcare practice. She is also a member of the firm's Business Venture Group.

Cynthia L. Worthen JD '89 recently joined Pierce Atwood LLP, Portsmouth, NH.

1990s

Dominick A. Conde JD '90, New York, NY, a partner at Fitzpatrick Cella Harper & Scinto, was featured in *Super Lawyers* 2007.

Steven A. Fontana JD '91, Wilmington, NC, has his own practice, Fontana International, LLC IP, specializing in licensing and business/corporate development.

Steven McCann JD '91, Washington, DC, has accepted a position as senior vice president, intellectual property and licensing for NXP Semiconductors, Eindhoven, The Netherlands.

Kirk Teska JD '91, Stow, MA. Kirk is managing partner of Iandiorio and Teska, Waltham, MA, and recently published a book entitled, *Patent Savvy for Managers*.

Peter J. Bilinski JD '92 has joined the Syracuse, NY office of Hiscock & Barclay, LLP

Eileen M. Ebel JD '92, Edgewater, NJ, recently joined the New York office of the international law firm Bryan Cave LLP as counsel in firm's Intellectual Property Group.

Henrietta W. Luneau JD '93, Hopkinton, NH, was recently appointed marital master for the New Hampshire Superior Court.

Joseph L. Michaud JD '93 received the Pro Bono Publico Award from the Bristol County Bar Association for providing legal service to poor or low income residents of Bristol County, MA. He was also awarded the Meritorious Service Medal by the United States Army for service in the 3rd Legal Support Organization, 94th Reserve Support Command. Michaud currently serves as a selectman in Dartmouth, MA.



Denis O. Robinson JD '93

Denis O. Robinson JD '93 is a member of the Real Estate Practice Group at Pierce Atwood LLP, Portsmouth, NH.

Beth G. Trimmer JD '93, Palmer, AK, has accepted a position as an assistant public advocate in the newly created Appeals and Statewide Defense Unit in the Alaska Office of Public Advocacy. She recently published an article, entitled "A Sexual Relationship, Did We Have One? A Review of the Definition of Sexual

Relationship within the context of Alaska's Domestic Violence Laws," in the *Alaska Law Review*.



Cynthia B. Dash JD '94

Cynthia B. Dash JD '94, Parker, CO, was recently named a "Rising Star" by *401(k) Wire*. She serves as vice president and general counsel for Matrix Settlement and Clearance Solutions.

Yoon Suk Ham MIP '94, Alexandria, VA, was named a partner at Lowe Hauptman Ham & Berner. He was also elected as inaugural president of the Korean American Intellectual Property Lawyers Association (KAIPLA).

John Maldjian JD '95 and **Jonathan A. Fallon JD '06** have expanded their law practice Maldjian & Fallon LLC, Intellectual Property Counsel, Red Bank, NJ.

Joseph M. Carreiro Jr. JD '96, Methuen, MA recently launched a new website for his firm, Perrault & Associates.

Brian Colandreo JD/MIP '97, senior counsel in the Litigation Section of Holland & Knight LLP, NY, NY, was recently elected partner. His practice focuses on patent law.

Matthew Connors JD '97, Boston, MA, was named one of the top Boston attorneys under age 40 in a *Boston Magazine* poll in 2006 and 2007.

David A. Donet JD '97, Miami, FL, is a shareholder and founding partner of Donet, McMillan & Trontz, PA, with practice areas in criminal defense, extradition, DUI defense, personal injury, commercial litigation and military justice.

John M. H. Hart Jr. JD '98, Greensboro, NC, published his second novel, *Down River*, this fall.

Jeanne P. Herrick JD '98, Concord, NH, is a member of the 2008 Leadership New Hampshire class.



Douglas S. Weinstein JD/MIP '98

Douglas S. Weinstein JD/MIP '98 has been appointed managing partner of the Taipei, Taiwan office of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, known locally as Fei Han Foreign Legal Affairs Law Firm.

J. Michael Boggs JD '99 recently transferred from Kilpatrick Stockton's Winston-Salem, NC, office to

CLASS ACTIONS

Charlotte, NC, where he is an associate in the mechanical and healthcare/life science teams of the Intellectual Property Department.

Roger H. Bora JD/MIP '99, Dayton, Ohio, recently joined Thompson Hine LLP's Intellectual Property Practice Group.

Richards Ward Jr. JD '99 opened a private practice in Wolfboro, NH.

James Silva JD '99, Westford, MA, taught Limited Liabilities Corporation this fall at Pierce Law.

2000s

Michael J. Denning JD/MIP '00 was named associate general counsel of Wright Express Corporation (WXS). He will continue to concentrate in the areas of bankruptcy, litigation, and corporate law.

Arnaud Gasnier MIP '00 recently published a book entitled *The Patenting Paradox*, which is the outcome of a three-year doctoral research project.

Lisa D. Lepore LLM '00, Overland Park, KS, has been named director of corporate intellectual property at Millennium Marketing Group, an international intellectual property brokerage firm.

Sally A. Rule O'Brien JD '00 was named an officer for New Hampshire Ball Bearings, Inc., Laconia, NH, and assumed the role of secretary. She currently serves as senior counsel and assistant export control compliance officer for NHBBA/USA and its subsidiaries.

Robin A. Wrisley JD '00 recently joined AIB Capital Markets in Dublin, Ireland, as a regulatory compliance manager.

Carlos A. Parra Beltran LLM '01 has joined the intellectual property law firm of Olarte, Raisbeck & Frieri in Bogota, Colombia.

Mam-Issa Mboob MIP '01 has been appointed a project manager by the United Nations Global Fund based in Geneva, Switzerland.

Saul L. Jackson '01 has joined Sonnenschein Nath & Rosenthal, St. Louis, MO, where he will focus on patent preparation and prosecution for inventions in biotechnology, biomedicine and pharmaceutical sciences.

Eric Kolo JD '02, New York, NY, sings lead vocals and plays lead acoustic guitar with his band K.O.L.O. on their first CD, entitled "Songs for a Sleepwalker," which is being mastered at The Lodge, the music studio of David Bowie fame in New York, NY.

Eric L. Sophir JD '02, Falls Church, VA, has joined the Washington, DC office of King & Spalding.

Christopher J. Verni JD '02 recently joined Genzyme, Waltham, MA.

Laura J. Voyatzis JD '02, Alexandria, VA, was deployed to Iraq as Federal Law Enforcement Officer (Counter Intelligence) until June 2008.

Alexandros S. Yiokarinis JD '02 has opened a private practice in Exeter, NH, and will focus on business formations, wills and estates and criminal and immigration law.

Brad Y. Chin JD/MIP '03 has joined Squire, Sanders & Dempsey, LLP, Vienna, VA, in the firm's Intellectual Property Practice Group.

Kyoung-Ho Jeon LLM '03, Seoul, Korea, is working at Samsung Electronics Co., Ltd as a legal member, managing intellectual property issues.

Susan K. Lesmerises-DeGraff JD/MIP '03, Staten Island, NY, recently joined Kramer, Levin, Naftalis and Frankel, LLP.

Leigh S. Willey JD/MIP '03, Meredith, NH, has joined the firm of Devine, Millimet & Branch, Manchester, NH.

Bonnie L. Graves JD '04, Washington, DC, received the United States Department of Transportation's Lawrence R. Schneider Award, given to an especially competent and productive attorney who is serving within the first ten years of his or her admission to the bar.

Carlos M. Quinones LLM '04 has been appointed director of the Office of Victims Compensation of Puerto Rico.

James Joyce, JD '05 recently joined DeWitt Ross & Stevens West, Madison, WI.



James Joyce JD '05

Glenn B. Liebert JD '05, Clifton Park, NY, has joined Delain & Liebert, PLLC as a partner.



Jamie E. Platkin JD '05

Jamie E. Platkin JD '05 joined the Intellectual Property Practice of Downs Rachlin Martin PLLC, Burlington, VT.

Jaime F. Arosemena LLM '06 has returned to Ecuador to work for his former law firm, Colonel & Perez, and will establish the firm's Quito office.

Mrinalini Kochupillai LLM '06, Brooklyn, NY, was recently awarded a scholarship for research by the Max Planck Institute in Germany, starting July 2008.

Melissa A. Puett JD '06 received a "Rising Star" award from the Arizona Public Defender Association. The award recognizes an attorney with less than five years of experience who has demonstrated skills and dedication and achieved accomplishments beyond his or her experience level.

Samuel M. Redlich JD '06 is CEO of InfoQor, Inc., a software company in Raritan, NJ.

Pierce Law Graduates Prepare for Careers in Library Science

Several alumni are continuing their studies and have opted to pursue master's degrees in information and library science.

Lee Van Duzer JD '05, University of Arizona
Carissa J. Vogel JD '05, University of Washington
Douglas J. Cooper JD '07, Simmons College
Meaghan E. Doyle JD '07, State University of New York at Albany
Caitlin M. Elwood JD '07, Simmons College.

Christopher S. Reed JD/MIP '06, Arlington, VA, has accepted a position as an attorney in the Litigation III Section of the United States Department of Justice, Antitrust Division.

Kara J. Wojdyla JD '06 recently joined Jones Ferradino, Saratoga Springs, NY, as an associate attorney.



Charlotte Ancel JD '07

Charlotte Ancel JD '07 has accepted a position at Downs, Rachlin & Martin, PLLC, Burlington, VT.

Gregory K. Gerstenzang JD '07 has joined Lowrie, Lando & Anastasi, LLP, Cambridge, MA.

Maxcelline Happi LLM '03 earned a JD degree from Massachusetts School of Law in December 2007.

Ross G. Hicks JD '07 recently joined the Electronic Group of Sterne, Kessler, Goldstein & Fox, Washington, DC.

Gene A. Lange JD '07, Arlington, VA, is a first-year associate at Sterne, Kessler, Goldstein & Fox, Washington DC.

Nathaniel W. Lucek JD '07, Hampton, NH, published an article in *New Hampshire Bar Journal*, Summer 2007, entitled "From Lumber to Local Area Network: The Impact of Vermont Wholesale on Internet Personal Jurisdiction."

David A. Rardin JD '07 recently joined the intellectual property law firm of Vern Maine & Associates, Nashua, NH.

Gunjan Sharma LLM '07 has accepted a position with Anand & Anand in Mumbai, India.

Julia Siripurapu JD '07, Quincy, MA joined the Corporate Practice at Mintz, Levin, Coh, Ferris, Glovsky and Popeo, P.C., Boston, MA.

Suni Sukduang JD '07 is working for Novak Druce & Guigg, LLP, Houston, TX.

Elizabeth A. (Hahn) Tassi JD '07 has joined the intellectual property and technology division of Stinson Morrison Hecker, Kansas City, MO.

Sean D. Tassi JD '07, Kansas City, MO, is an associate in the Litigation Department of Blackwell Sanders.

Vinita Vasanth MIP '07 recently accepted a position with Indus Biotech as senior technical analyst in Pune, India, where her work will focus on the the company's patent portfolio.

BIRTHS AND ADOPTIONS

Christine A. Bailey Alff JD '98 and husband, Douglas, a daughter, Molly Paige, February 26, 2007.

Eric Kolo JD '02 and wife, Edith, a son, Mahé.

Matthew A. Leff JD '02 and wife, Nichole, a son, John William, June 3, 2007.

Adrian Zumbach MIP '02 and wife, Karin, a baby, Anjan, May 29, 2007.

Matthew S. Borick JD '03, and wife, Erin, a daughter, Peyton Sloan, September 17, 2007.

Carlos A. Fuentes LLM '06 and wife, Adelia, a son, Santiago, June 29, 2007.

Krista A. Kostiew JD '07 and husband, David, a son, Connor David, June 14, 2007.

MARRIAGES

Brien P. Santarlas JD '02 to **Rachel C. Maio JD '03** on September 29, 2007.

Adrian Zumbach MIP '02 to Karin on April 13, 2007.

Radville Baukute Bieliauskiene LLM '04 to Raimondas on April 28, 2007.

Enrique F. Mesa, Jr. JD '05 to **Melissa S. Penson JD '05** on August 25, 2007.

Pamela Roth LLM '05 to Chris O'Mara on September 2, 2007.

Tze-Hua (Wendy) Wang MIP '06 to Mads Asserhoj, July 7, 2007.

Elizabeth A. Hahn JD '07 to **Sean D. Tassi JD '07**.

Sarah Brown JD '07 to Carter Davidson, September 29, 2007.

IN MEMORIAM

William D. Hall JD '76
Richard A. Sullivan JD '79
Scott F. Innes JD '81
H. Art Turner JD '85
Frank G. Henderson JD '86
Paula Adriance MEL '02

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December 19, 2007



Dear Dean Hutson,

I am writing today to express our appreciation to the Franklin Pierce Law Center's continued support and contributions to the Public Intellectual Property Resource for Agriculture (PIPRA) in supporting its mission to promote global food security through the strategic management of intellectual property (IP) and technology transfer. As you may know, PIPRA is an organization initially sponsored by the Rockefeller Foundation to support public research institutions working together to promote access to technologies particularly in support of humanitarian projects. Since its founding in 2004, PIPRA has grown to encompass 47 member institutions in 14 countries and is now supported by a number of agencies and foundations including the United States Department of Energy and the Sasakawa Peace Foundation.

During the past two years, the contributions made by Pierce Law's Advanced IP Research Tools Class have broadened PIPRA's legal research capacity with respect to a number of inquiries from developing country agricultural stakeholders interested in examining complex legal issues and policy questions arising in this field. Under the supervision of Professor Jon Cavicchi and Visiting Scholar Stanley Kowalski, Pierce Law students have thoroughly investigated IP issues through independent study projects. Pierce Law students have generated a number of global freedom-to-operate and patent landscapes analyzing biotechnologies and methodologies used in agricultural research. These IP analyses have supported research collaborations and provided key support to grant proposals to support specific humanitarian projects. For example, earlier this year, the Howard G. Buffet Foundation granted the Donald Danforth Plant Science Center, a PIPRA member, a three-million dollar grant to enhance sweet potato for Africa. A critical component of the research plan was an IP audit conducted jointly by Pierce Law and PIPRA. Freedom to operate and patent landscapes are becoming more important as granting agencies and foundations demand IP plans to ensure dissemination of research outputs. Pierce Law has important expertise to support these analyses and we believe that the process provides a valuable educational experience to your students by engaging them in work on real world problems.

Pierce Law's global expertise in IP issues and its commitment to education was also critical to the success of the recent publication of a two-volume handbook on "IP Management in Health and Agricultural Innovation". Pierce Law alumni, professors, and students provided practical training material in IP by authoring numerous chapters for this IP handbook. As member of the editorial board, Stanley Kowalski, was a key contributor. Finally, we continue to appreciate the participation of a Pierce Law representative at PIPRA's annual meetings. The input from Pierce Law's IP experts and their international perspective has been very important to PIPRA's growth. We look forward to continuing collaborating with Pierce Law in this area and hope that you find it to be of value as well.

On behalf of PIPRA and the communities it serves please accept our thanks and appreciation as well as our commitment to support the educational programs in Pierce Law in any way we can.

With best regards and best wishes for the New Year,

Alan B. Bennett
Associate Vice Chancellor-Research, UC Davis
Executive Director, PIPRA

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MOST PROMISING INNOVATIONS
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TAKING PLACE IN THE UNITED STATES.
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RESEMBLES CLOSELY MANY OF THE
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REPORT OF THE CARNEGIE FOUNDATION
FOR THE ADVANCEMENT OF TEACHING,
WHICH CALLS FOR FUNDAMENTAL CHANGES
IN AMERICAN LEGAL EDUCATION.”

– Clark D. Cunningham

*Director, Effective Lawyer-Client Communication
National Institute for Teaching Ethics & Professionalism
and W. Lee Burge Professor of Law and Ethics
Georgia State University College of Law, Atlanta, GA*



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Calendar of Events

New Hampshire Alumni Dinner (New Hampshire Bar Association Midyear Meeting)	February 15
16th Annual PIC Auction	March 20
Commencement	May 17
3rd Annual New Hampshire CLE Day	May 30
Vermont Alumni Reception	June 6
Pierce Law Alumni Golf Tournament to benefit LRAP	June 23 (tentative)
Intellectual Property Summer Institute	May 27–June 27
China Intellectual Property Summer Institute Tsinghua University School of Law, Beijing, China	June 30–July 25
e-Law Summer Institute University College Cork Faculty of Law, Cork, Ireland	July 7-25



Celebrating 35 Years

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